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New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Al-Nasser (Egypt), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

The Acting President: As this will be the last appearance of Ambassador John Paul Kavanagh of Ireland before the General Assembly before he moves on to assume a higher post, we wish him all the best in his future endeavours.

Mr. Kavanagh (Ireland): Ireland fully aligns itself with the statement made by the Permanent Representative of Sweden on behalf of the European Union.

The responsibility to protect (R2P) our populations from the four crimes of genocide, war crimes, crimes against humanity and ethnic cleansing is clearly and tragically demonstrated by past horrors. Cambodia, Rwanda, Srebrenica, Darfur — these represent some of the more recent grotesque failures to live up to this responsibility. Of these failures we are, all of us, rightly ashamed. But condemning past failures is no solution to today's problems; nor is a mere declaration that we will never allow these mass atrocities to occur again.

This most universal Assembly of States must never tolerate a situation where the peoples of the world are not protected from the prospect and actuality of these four crimes. This failure to protect would, sooner or later, undermine confidence in the value of the Charter of the United Nations and, indeed, of the United Nations itself.

The unanimous adoption of the responsibility to protect in the World Summit Outcome Document (resolution 60/1) of 2005 represented a major step in accepting our collective responsibility to prevent and halt these mass atrocities. We now move into the next and critical phase of agreeing how we should honour and operationalize this responsibility.

The Secretary-General's report (A/63/677) on operationalizing the responsibility to protect provides important guidance on how we might achieve this. Ireland warmly welcomes the Secretary-General's well-judged and balanced report, as well as this very significant debate. We support the Secretary-General's recommendations.

We particularly welcome the reiteration of the principle of responsible sovereignty, and the move away from the false dichotomies sometimes posed in that connection between the interests of the State and its populations, and between the interests of the State and those of the international community. We strongly agree that the primary responsibility for protection of persons from these four crimes rests with the State

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itself. We also agree that the international community has a responsibility to assist States, where necessary, in building or supporting the State's capacity to discharge its responsibility.

This approach rebuts any notion that R2P as a concept can be reduced to a myopic argument over military intervention versus inaction and indifference. Rather, the twin pillars of State responsibility and capacity-building draw attention to the many options we have to prevent and respond to these atrocities. These include measures such as developing specific early warning mechanisms, training key national actors on their responsibilities under international humanitarian law, incorporating relevant international treaties into national legislation, and building local mediation and conflict resolution capacity.

In practice, the development and enhancement of these measures can most appropriately be supported through development assistance programmes and by building the capacity of regional organizations. Indeed, ensuring that development programmes are adequately informed by R2P may be the most effective way to operationalize our collective responsibility.

At the same time, we must be careful not to confuse the development agenda with the need to prevent and respond to these four crimes. First, the commission of these crimes is clearly not limited to developing countries. Secondly, the aims of development assistance are far broader than preventing these four crimes. Thirdly, we cannot honour our responsibility to protect by relying solely on current development assistance programmes. Specific and targeted measures, such as those I outlined earlier, must be devised, incorporated into and implemented through our current programmes. These are critical activities, which, if given adequate support and attention, would go a long way to preventing these crimes — and prevention is manifestly the optimal outcome.

We should approach, with similar imagination and openness, the third pillar — our collective international responsibility to respond when States themselves are manifestly failing. In particular, we should resist attempts to equate the third pillar with military intervention when, in fact, it encompasses a broad range of measures, from mediation to enhancing international justice mechanisms, and from financial and travel sanctions to restricting the flow of arms into such countries and to peace enforcement missions under Chapter VII of the Charter of the United Nations. Of course, any such actions could be approved only through the established decision-making processes of the United Nations and in conformity with our Charter.

By focusing on only one of these dimensions — peace enforcement action — we would be severely limiting our capacity to respond and neglecting our duty to develop the other mechanisms and measures. Indeed, these other mechanisms and measures are often more appropriate and effective, provided, of course, that they are adequately supported.

For its part, Ireland is determined to continue its efforts in these areas through our development programme, our commitment to international humanitarian and human rights law, our conflict prevention strategies and our peacekeeping tradition.

We understand that some States are cautious in moving forward and we do not wish to ignore the very real fears that R2P could be misused for ulterior motives. We must together guard against any incorrect application, through either a broadening of its scope, its selective application or its malicious misapplication for a State's own strategic interests, of this responsibility to protect. And we believe that the best way to do this is through debating these challenges openly and forthrightly. So let us briefly consider each of them.

First, there is the question of broadening the scope of the responsibility to protect. This can be very tempting, especially when confronted with the horrendous suffering following natural disasters, HIV/AIDS epidemics and conflict situations where gross human rights violations exist. Ireland believes that the international community can and should respond to these situations through development and humanitarian assistance programmes, human rights monitoring bodies, and conflict prevention and peacebuilding strategies. However, we believe that the responsibility to protect needs to remain focused exclusively on the four crimes already specified consensually, in this Hall, by the 2005 World Summit, namely, genocide, war crimes, crimes against humanity and ethnic cleansing. As the Secretary-General's report makes clear, R2P, as agreed by the 2005 Summit, does not apply to other situations beyond these four crimes. To attempt to broaden it further would likely impair its

operational utility and could unrealistically present it as a cure for all ills.

Secondly, there is the question of the selective application of the responsibility to protect or its misuse with a view to furthering a State's own strategic national interests. This is another issue on which we must stand firm. It should be stated clearly and unambiguously, as it is in the Secretary-General's report, that the responsibility to protect does not lower the threshold for legitimate use of force. Military intervention that is not in line with the Charter of the United Nations and does not have prior Security Council approval when such approval would be required is not in line with, nor can it be regarded as having been authorized by, the responsibility to protect.

While understanding the caution of some States, Ireland strongly believes that reaching a consensus on the operationalization of R2P is the best way to guard against any possible selective application or misuse. Contrary to claims that R2P will increase arbitrary military interventions, we believe that it is the ambiguity and lack of consensus around the issue of intervention that may encourage some States to go it alone, so to speak. It is far easier to seek politically to justify unauthorized intervention to halt mass atrocities when one can point to disarray and inaction in the United Nations. Moreover, an agreed framework that rightly places intervention in its proper context would be much less susceptible to misinterpretation or misapplication.

The path to that agreed framework is unlikely to be short or easy, but if we truly wish to consign genocide, crimes against humanity, war crimes and ethnic cleansing to the history books, it is a path we must take. And we must take it together.

In conclusion, it might be viewed as easy for us in this Hall, distant as our debates sometimes are from the harsh realities of war and atrocity, to ignore or fail to grasp the pressing need to reach a consensus on this issue. But we must not fail. We must instead be moved by a collective desire to address the real and devastating threats that face too many populations across the entire world. This is neither the place nor the time to rehash old debates or to hark back to a bygone era in this Hall. It is also not the time to confuse or embroil the responsibility to protect with other reforms that may be necessary within the United Nations.

The present debate is about agreeing on specific methods to prevent and to respond to four specific crimes. The Secretary-General's report does not go beyond that, and nor should we. If we allow ourselves to become mired in our differences over other issues, or if we allow R2P to be misrepresented and linked tendentiously with other matters, we may well be dooming future generations to repeat the mistakes of our past.

Today, we have been given the opportunity to address our past failings and to honour the victims of past and present by ensuring that, together, we shall do more and we do better in the future. Many opportunities have been missed thus far. Let this not be another one.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We meet here today to take part in a debate on the responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. If we were to discuss this topic in abstract terms, and if all actors involved in the dynamics of international relations were truly inspired by a holistic vision, then no disagreement would arise on this topic. However, in the light of contemporary historical experience, this issue is deeply controversial. It is controversial, first of all, because of the dominance — which we are sure will change in the future — enjoyed in today's world by the prevailing imperial Powers, whose interests generally determine the dynamic trends of international relations.

However, there is a further issue that is of relevance — the lack of binding norms in the framework of this forum. In that context, paragraphs 138 and 139 of the Outcome Document of the 2005 World Summit (resolution 60/1) are the only frames of reference on this topic available to the General Assembly for its consideration.

Many delegations defend, in good faith, the responsibility to protect on the basis of their sincere concern over the acts of genocide, war crimes, crimes against humanity and ethnic cleansing that have occurred in certain areas of the world. We do not doubt those who have demonstrated sincere concern over the perpetration of these crimes, which have unquestionably scarred the conscience of human civilization. Such crimes must be condemned and prevented wherever they occur in the world.

Who could remain indifferent to such despicable acts as those that took place in Rwanda and in other parts of the world? We must end the impunity enjoyed by their perpetrators. Venezuela joins others who have expressed these concerns, which we fully share. Our country unequivocally condemns acts of genocide, war crimes, crimes against humanity and ethnic cleansing, by whomsoever committed.

In 2005, while delivering a resonant address in this Hall, the leader of the Bolivarian revolution, President Hugo Chávez Frías, posed two questions of undeniable relevance: Who is going to protect and how is protection going to be given? At that time, most delegations found themselves excluded from the debate on the priority issues covered by the Outcome Document, including the responsibility to protect.

The interactive dialogue fortuitously promoted by the President of the General Assembly, Miguel d'Escoto Brockmann, and in which prominent intellectuals took part, was very timely. Yesterday's panellists, to whom we all listened with particular attention, offered us two approaches to the responsibility to protect. The first enthusiastically calls on us to have faith and to forget the oppression that strong countries have imposed upon the weak. The other is an analysis of irrefutable historical facts — as recalled by one eminent panellist, Mr. Chomsky — that invites us to dwell on the structural causes and the imperial hegemonic domination exercised throughout history by western imperial Powers as the decisive factors in the most serious conflicts that humanity has suffered and continues to suffer today.

Classical political doctrine holds that the population is a constitutive element of the State and that the latter therefore has as intrinsic obligation to protect it. In that sense, this responsibility can be considered a universally valid principle, consubstantial with the very existence of any human society. It is among the fundamental functions of a State to guarantee conditions of equality that ensure its people's full enjoyment of their human rights, which are civil and political on the one hand, and economic, social and cultural on the other. In that context, States must assist their citizens to achieve prosperity, and they have national and international legal standards and principles to help them do so.

From this point of view, respect for the sovereignty and territorial integrity of States is a universal principle that enables a State to exercise its responsibility to protect its population. In order to meet this responsibility, developing countries have insistently and repeatedly called on this body to recognize the rights of all peoples of the world to development, justice and to peace.

In this context, international law recognizes the right of States to use, exploit and administer their natural resources and wealth; the right to a new economic order that is just, equitable and informed by the principle of solidarity; and the right of peoples to cooperation and solidarity. It prohibits any justification of violence, intolerance, discrimination and xenophobia. All countries must respect the international principles of friendship, dialogue and conciliation. The use or threat of the use of force is prohibited.

This is not an exhaustive list. These are just some central elements that, if respected by all and in particular by imperial Powers, would prevent conflicts that all too often devolve into the commission of serious crimes against humanity. Extremely high rates of poverty and hunger, and all the other serious scourges affecting humanity, stand in stark contrast to the vast resources accumulated by a few. They are indisputable indicators of the failure of the selfish, individualistic, predatory and inequitable model of production, distribution and consumption that characterizes the most brutal phase of capitalism. Paragraph 138 of the Outcome Document of the 2005 World Summit stresses that the State has the intrinsic responsibility to protect its population from crimes identified by international humanitarian law. What is novel is the indication of the international community's responsibility to encourage and assist States in exercising that responsibility in the framework of the United Nations. For Venezuela, the so-called early warning system should, as a prevention mechanism, respond first and foremost to the demands of peoples for recognition of their inalienable rights and historic claims and for societies based on justice, equality and solidarity.

Paragraph 139 of the Outcome Document calls on the General Assembly to engage in a comprehensive process of discussion. We believe that the points it addresses, if applied, would necessitate substantive revisions to the Charter of the United Nations. We disagree with those who do not deem it necessary to build a legal basis for the potential implementation of

the responsibility to protect. Unless the outdated structure of the Council is modified and the discriminatory veto power definitively abolished, no instrument of lesser standing can authorize the permanent members of the Security Council to operationalize a mechanism enabling them to undertake, without binding standards, so-called collective action in implementation of the responsibility to protect. It should be stressed that if we hope to make the responsibility to protect a multilateral mechanism for collective action, we should do so through the General Assembly.

Which organ of the United Nations will determine when it is necessary to intervene? What are the parameters to be taken into account when classifying a situation as sufficiently urgent to require military intervention? Who will ensure that such intervention is not undertaken for political reasons? Will all 192 States Members of this Organization enjoy the same right to participate and to determine whether situations are emergencies?

There are those who argue that the Security Council would be the appropriate organ to authorize armed or coercive action when the responsibility to protect must be enforced as a last resort. On this point, I sincerely assert our delegation's firm and consistent rejection of such an approach. We agree that trust is at the heart of the discussion of the responsibility to protect. Who can guarantee, however, that this approach will not be implemented selectively? Who will ensure that the responsibility to protect will not serve as a pretext for imperial countries to intervene in weak countries for political reasons? If there is a genuine desire to have an open, good-faith discussion of the responsibility to protect, the General Assembly is the body par excellence in which fundamental decisions affecting humanity should be taken.

I should now like to say a few words about the report of the Secretary-General (A/63/677). I shall speak frankly.

The report makes no reference to the underlying causes of grave crimes being committed against a population. The cases of such crimes against a population cited in the report have been chosen selectively. One emblematic case that has most touched the conscience of the world, the massacre of the Palestinian people in Gaza, goes unmentioned, as do the attacks against the defenceless women and children in Afghanistan. Likewise, the report ignores the suffering of the Iraqi people, more than 1.2 million of whom have died in the war, according to the British research group Opinion Business Research. Who protected the Iraqi people from the genocide that has been committed? Who has called to account those responsible for that criminal invasion, which took place in the complicit silence of some ardent defenders of the responsibility to protect?

In this context, and as irrefutable testimony to their transparent commitment to this mechanism, we propose that the countries of the world exercise their responsibility to protect in this case without further delay. Let the Security Council call for the punishment of those responsible for a genocide that, as I have noted, has led to over a million civilian deaths, and let the former president of the United States of America, George W. Bush, and those bearing primary responsibility for this massacre be brought to trial before the International Criminal Court.

We also call for the responsibility to protect to be applied to the political and military elite of Israel for the crimes of genocide and ethnic cleansing it has committed continuously and systematically, flouting the will of the international community and in utter disdain for the relevant resolutions. I repeat: They have committed crimes of genocide and ethnic cleansing against the Palestinian people.

The Secretary-General's report accords equal importance to all three pillars of the responsibility to protect. Our delegation believes that if we were to undertake, as a matter of ongoing practice within international organizations and the United Nations in particular, to strengthen those provisions relating to State responsibility and international assistance for capacity-building, the implementation of the third pillar — deterrent military intervention — would not be necessary. As it is, the third pillar represents a challenge to the basic principles of international law, such as the territorial integrity of States, non-interference in internal affairs and, of course, the indivisible sovereignty of States.

The concept of the responsibility to protect seeks to reformulate the notion of sovereignty, just as some have sought to reshape the framework governing North-South relations, to underestimate the relevance of the demands of the peoples of the South, to declare the death of the non-aligned, and to proclaim the

absolute victory of neo-liberalism and the end of history.

Some have pompously referred to so-called responsible sovereignty, which we would put in quotation marks. This concept, at least as interpreted by some imperial Powers, goes well beyond the objective that we sought to attain with the so-called responsibility to protect. My delegation believes that the United Nations should promote peace and fight all crimes against humanity by addressing the true causes of conflicts, and not only their consequences.

I should like to conclude by saying that we live in a world dominated by the great Powers of the West and by predatory private international monopolies that, generally speaking, bear primary responsibility for violence between States and regions. They encourage rivalry between regions and States and drive bellicose wedges between them. These political and economic interests operate through their media power, which we might call "media totalitarianism", and through international lobbying that conceals the truth. They criminalize the developing countries they target and provoke massacres on a greater scale than those — as regrettable and condemnable as they are — generated by ethnic and religious conflicts or disputes between countries of the South. This, in brief, is the position of the Bolivarian Republic of Venezuela in today's debate.

The Acting President: I should like to remind members that we have a very long list of speakers that, optimistically, will take us until the end of Tuesday to exhaust. Thus, if delegations do not exercise self-restraint and minimize the length of their statements, the debate on the responsibility to protect may extend into Wednesday. I hope that representatives will take that into consideration.

Mr. Wetland (Norway): I shall try to be brief. I think this is a good time to recall that the primary purpose of our discussion today is to prevent mass atrocities from reoccurring. Historic wrongs and past inactions cannot be undone and never will be, but we can prevent new ones. That is why the World Summit in 2005 firmly and unanimously anchored the concept of responsibility to protect here at the United Nations, and why we warmly welcome the Secretary-General's first report on implementing the responsibility to protect (R2P), contained in document A/63/677.

We welcome the report because it is well balanced and provides a steady platform for the work ahead. Our focus should now be on raising awareness in and among countries on the true content of the report and on how we can move forward.

The report states clearly that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It underlines how the international community can and should encourage and help States to meet this responsibility. It presents a broad canvas of important and legitimate measures and provides a bulwark against what our colleague from Ghana yesterday morning called abuses of the principle of non-interference.

Statements made earlier today and yesterday underline the need to refine early warning mechanisms and the roles of the various organs of the United Nations. We welcome that challenge. Further refinement of the concept of R2P here at the United Nations in general and in the General Assembly in particular will make some of the situations that sceptics have pointed to less likely to happen. The norms and principles developed in the General Assembly, and practiced in accordance with the Charter of the United Nations, will strengthen the rule of law and deter arbitrariness and selectivity.

In promoting the responsibility to protect, we should therefore remember the various tools already available, such as international humanitarian law, the International Criminal Court and other international tribunals, the universal periodic review under the auspices of the Human Rights Council and the special procedures of the Office of the High Commissioner for Human Rights.

The many violations of humanitarian law that we have seen during the past few years, in particular with regard to the situation of civilians in armed conflict, are cause for grave concern. The targeting of civilians, the lack of respect for humanitarian law, and the use of sexual violence as a method of warfare are just a few examples of the serious challenges we face.

In most situations, the primary focus should be on assisting the cessation of violence through mediation and other tools, as well as the protection of peoples through such measures as the dispatch of humanitarian, human rights and police missions. But there are cases when sovereign Governments, which undoubtedly have the primary responsibility to protect their own citizens, are unable or unwilling to do so. In those instances, the

responsibility should and must be taken up by the wider international community.

Norway therefore endorses the norm that there is a collective international responsibility to protect, exercisable by the Security Council, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law amounting to war crimes that sovereign Governments have proved powerless or unwilling to prevent. This responsibility should weigh heavily on the members of the Security Council, and especially on those that exercise the veto power.

In conclusion, whether we are sceptics, proponents or moderates, let us not forget that we are aiming to prevent the worst mass atrocities. Guided by the Charter and the moral authority of the Organization, we should side with the victims.

Mr. Matussek (Germany): In the 2005 World Summit Outcome (resolution 60/1), the assembled heads of State and Government unanimously recognized the responsibility of each State to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing. They also recognized the responsibility of the international community, through the United Nations, to help protect populations from such crimes and stressed the need for the General Assembly to continue its consideration of how best to achieve this.

In January, the Secretary-General delivered his report (A/63/677) on implementing the responsibility to protect (R2P). I should like to say that Germany warmly welcomes the report, which in our view is an excellent starting point for the debate in the General Assembly on how to implement and how to operationalize the concept of responsibility to protect. We especially welcome the practical measures for implementation proposed in the report.

The report outlines a three-pillar strategy for implementing the concept: the primary obligation of States to protect their population; the commitment of the international community to assisting States in meeting their obligations; and the responsibility of the international community to respond in accordance with the Charter of the United Nations when a State is manifestly failing to protect its population.

Germany fully aligns itself with the statement made by the representative of Sweden on behalf of the European Union. For the sake of brevity, I should like to address just one point which, in our view, is crucial.

Although all three pillars are integral to the strategy for fulfilling the responsibility to protect, it is in our view pillar two that is the most innovative of the three. Germany firmly believes that cooperation and prevention are the basic principles of the responsibility to protect. The strategy recognizes the sovereignty of States when it stresses that responsibility for the protection of civilians rests first and foremost with the State whose population is threatened. It aims at strengthening these States' sovereignty and capacity as State actors when it stresses the responsibility of the international community to cooperate with and help them meet their obligations.

We believe that the strong focus on cooperation in prevention is the reason why many States that have suffered from conflict and R2P situations see the emergence of this concept as an opportunity. That has clearly been shown in our debate so far. They know that the acceptance of this common responsibility gives them leverage to say: "We have done our part; now you do yours". That is the real challenge of responsibility to protect — to start working together early enough to prevent mass atrocities and to provide real protection.

In short, individual States and the international community have a common responsibility to help prevent genocide situations from occurring in the first place. That is why we fully support the proposal contained in the report to address ways to define and develop the partnership between States and the international community in the field of assistance and capacity-building, as described in the report under pillar two.

We have already heard some interesting ideas and proposals during our debate, and we stand ready to further develop these proposals. Developing the instruments for early warning, crisis management and conflict prevention will be crucial. I am confident that the European Union, as well as other regional organizations, has a lot to contribute in this respect.

Within this concept, the third pillar of R2P is of a merely complementary nature and arises only when both the individual State and the international community have failed in their obligations to prevent genocide, war crimes, crimes against humanity or ethnic cleansing.

I should like to conclude by saying that the fact that the General Assembly is discussing ways and means to implement the concept of the responsibility to protect almost four years after the World Summit Outcome is a success in itself. In retrospect, this debate may even one day be considered to have been the historical beginning of a process that eventually led to a world free of mass atrocities. But that will happen only if we genuinely continue to try to find common ground. I am encouraged by the positive contributions we have heard in this debate so far, and it is therefore essential that the debate about the implementation of the responsibility to protect continue in the General Assembly.

Mr. Solón-Romero (Plurinational State of Bolivia) (*spoke in Spanish*): I should like to begin by congratulating the President of the General Assembly on this initiative.

The prevention of and protection against genocide, war crimes, ethnic cleansing and crimes against humanity are intimately linked to the investigation, trial and punishment of such crimes. If crimes against humanity go unpunished and those responsible do not face justice, a precedent is set by which these acts will be repeated. There is no responsibility to protect with impunity.

A crime against humanity was committed in my country in October 2003, under the Government of former President Gonzalo Sánchez de Lozada, in which 67 civilians died and more than 400 were wounded by firearms in the city of El Alto. In the wake of that bloody massacre, in which shots fired at close range killed children, women and elderly people, the Bolivian Congress in 2004 launched a trial of former President Sánchez de Lozada, his ministers and the military authorities involved.

The trial, which is now before the Supreme Court of Justice of my country, has encountered an obstacle. The principal defendants have sought asylum, refugee status and protection in the United States of America and Peru. President Evo Morales, in his first visit to the United Nations in 2006, appealed to the United States not to protect Sánchez de Lozada, Sánchez Berzaín, Berindoague and other suspects, and to extradite and hand them over to the Bolivian justice system.

Just three months ago, Peru granted asylum and refuge to three former ministers who are also being prosecuted for the same crime. We therefore ask ourselves what happens to State's responsibility to protect when other States do not allow it to meet its obligation to protect its citizens from crimes against humanity? What measures does the Secretary-General propose when faced with States that protect those suspected of crimes against humanity?

When it comes to fighting war crimes, genocide, crimes against humanity and ethnic cleansing, we want action and not just words. We reiterate our official request to the United States and Peru to reconsider the asylum and refugee status they have granted, extradite the former officials implicated in these crimes against humanity, and hand them over to the Bolivian justice system.

Mass crimes and ethnic cleansing do not spring up overnight. They are the product of a combination of factors, including colonialism, deteriorating economic and social conditions, and political sectors that in many cases prepare, organize and establish the conditions in which such crimes take place. That is our recent experience in Bolivia, where certain families displaced from political power by the rise to leadership of the first indigenous President have systematically conducted a campaign of humiliation and harassment, organized fascist groups, provoked confrontations, took over airports, attacked more than 70 Government offices, attempted to occupy police and military headquarters, and finally massacred indigenous people in the Pando district in September last year. All of this is set down in a public report of the United Nations High Commission for Human Rights.

In April, law enforcement forces in Bolivia discovered and dismantled a group of mercenaries of Bolivian and international origin who were organizing an army of militants with the aim of mounting attacks, manufacturing ethnic conflicts, and promoting conflict between the western and eastern parts of the country, thereby instigating the division of Bolivia. Their plan was to divide Bolivia in two, as Eduardo Rozsa Flores — a major international mercenary of Bolivian and Hungarian nationality who also participated in the Balkan wars — confessed in a video that can be seen on the Internet. New evidence is emerging every day that these mercenaries of various nationalities, unmasked in Bolivia, participated in and helped to trigger numerous wars and conflicts throughout the world. Had they not been discovered in time, it is likely that today we would be discussing a responsibility to protect situation in Bolivia.

However, this suspected network of international and Bolivian mercenaries has not been completely dismantled. Those who financed, transported, armed and organized training camps and lodging are still being pursued and investigated. In this context, it is crucially important for the international community, and especially countries with highly developed intelligence agencies and those where these mercenaries have operated, to share with Bolivia all information regarding their contacts, networks and sources of financing.

Individuals who provoke, direct and orchestrate the kind of mass crimes we are discussing today do not appear overnight. In many cases, they have a history or background that is well known in other countries. It is crucial that these States cooperate with countries that, like Bolivia, are threatened by powerful groups that have no qualms about triggering mass crimes or ethnic cleansing simply to preserve their own economic power.

The Security Council and its authority to intervene by force are topics that, in our opinion, should be at the centre of today's debate. It is our position that the decision to intervene to stop a mass crime should not be in the hands of the Security Council because, as history has shown, there are geopolitical interests at work within the Council that do not necessarily reflect a genuine will to protect.

We would add that, if the Security Council retains that authority, it would never be directed against the countries that enjoy veto powers in that organ. As a result, the application of this concept is discretionary and not universal, as it should be. Abolishing the veto power of the five permanent members would be the only way for the Security Council to avoid implementing this measure in a discriminatory fashion. That would be a huge step towards ensuring the responsibility to protect for all States.

Many States have expressed concern that the responsibility to protect will be used as a guise for military interventions that violate sovereignty and territorial integrity and whose intentions are quite other than preventing mass crimes. After centuries of colonialism, interventionism and political manipulation, trust cannot be decreed by fiat but must be built step by step on the basis of facts. It is therefore crucial that the General Assembly pursue its consideration of this topic; that States begin to demonstrate through concrete action that we are prepared to cooperate on such vitally important issues as ending impunity for crimes against humanity; and that States enjoy all the support and information they need to dismantle once and for all the networks of international mercenaries that manufacture wars and provoke crimes against humanity, ethnic cleansing and even genocide.

Mrs. Miculescu (Romania): At the outset, I should like to say that Romania fully aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union. I should like to thank the President of the General Assembly for having convened this meeting, which gives us a timely opportunity to share our views on such a complex, complicated and important issue.

The Secretary-General's report (A/63/677) on implementing the responsibility to protect (R2P) is everything my country had hoped for and more. It provides much-desired conceptual clarifications, it lends accuracy with respect to existing legal obligations and to their impact on the concept that it analyses, and it articulates a coherent strategy that will enable us to translate the concept into concrete action.

On behalf of Romania, I share the view expressed by other speakers that the concept represents a significant development in the field of human rights protection and humanitarian law, and that it has great potential to prevent the most serious crimes and violations by enforcing States' obligations, based on their sovereignty, to protect their own populations against such crimes. The concept has all the elements required to create the preconditions for developing international cooperation in designing actions to prevent such crimes and violations, as well as to react to them, only if necessary.

As a concept, the responsibility to protect has both theoretical and practical value, since it encapsulates existing conventional and customary State obligations under international humanitarian law, international human rights law, refugee law and international criminal law. It also includes an understanding of the principle of sovereignty — which is the essential building block of the State, of the United Nations and of international law — as responsible sovereignty, thus linking it more closely to the purposes of the United Nations, in particular that

enshrined in Article 1.3 of the Charter of the United Nations.

By bringing together legal standards and political imperatives, the responsibility to protect not only underscores the primary responsibility of States towards their own people, but also recognizes the corollary obligation to cooperate at the international level and the responsibility of the international community to assist when a State cannot meet its fundamental responsibility towards its citizens. Besides legal and political considerations, the responsibility of the international community ultimately arises from the moral principle of humanity, which calls for action instead of indifference when fellow human beings are subjected to the most horrendous crimes.

I would also like to underline that, in our view, in making R2P operational, all actions should refer exclusively to the four crimes and violations included in the concept. As the Secretary-General rightly points out in his report, "task ahead is not to reinterpret or renegotiate the conclusions of the World Summit but to find ways of implementing its decisions in a fully faithful and consistent manner" (*A/63/677, para. 2*).

While we stress that each and every pillar of the strategy articulated in the report has equal importance in the process of making R2P operational, it is Romania's firm belief that prevention should stand as the core priority. In this context, long-term assistance to States that need such support for capacity-building, with a view to being able to exercise their basic functions and to meet their responsibility to protect their population, is part and parcel of the prevention process.

Proposals regarding future actions that may be undertaken should be further explored, discussed and agreed upon. The lessons learned from past actions should guide our future decisions, but we should always keep in mind the utmost importance of avoiding duplication and of enforcing those mechanisms and tools that already exist. Existing United Nations programmes and others, such as those developed by the European Union, the Council of Europe and other regional bodies, provide a good framework to lay the foundations of an integrated platform for addressing the challenges posed by the implementation of actions meant to strengthen R2P-related international cooperation. Let us be the change we want to see.

Ms. Štiglic (Slovenia): At the outset, I should like to thank the President of the General Assembly for having organized this important debate. I should also like to thank the Secretary-General for his unwavering commitment and for his presentation of his report (A/63/677) on the responsibility to protect earlier this week. I should also like to thank his Special Adviser on the Responsibility to Protect, Edward Luck, for his outstanding contribution to this topic.

Slovenia fully associates itself with the statement delivered by the representative of Sweden on behalf of the European Union.

One cannot overstate the significance of this debate. At the end of the twentieth century, we witnessed events that shocked our human conscience. Genocide in Rwanda in 1994 was followed just one year later by the massacre in the United Nations-declared safe haven of Srebrenica in 1995. The credibility of the United Nations was damaged, and it still has not fully recovered.

These failures to protect human beings from mass atrocities and from gross and systematic human rights violations should not be repeated. We should have learned enduring lessons from these tragic events, yet in the past decade new situations and humanitarian crises have reminded us that we still have not found the right tools for responding in a timely and effective manner.

Today's debate provides the first opportunity for Member States to comprehensively address the responsibility to protect (R2P) in the General Assembly. It is our hope that this opportunity will be used not only to reflect on how best to implement the concept in practice, but also as an important step towards building confidence among States from various political and regional groups.

The responsibility to protect is our common responsibility. No region is immune to these atrocities; they can occur anywhere in the world at any time. We had never anticipated that evil like that seen in Srebrenica could happen in our vicinity, in the heart of Europe, 50 years after the horrors of the Second World War and the Holocaust. That was one of the reasons for Slovenia's active engagement in the inclusion of the R2P concept in the 2005 World Summit Outcome Document (resolution 60/1). It is now time to operationalize the concept in order to make a real difference on the ground.

We welcome the report of the Secretary-General on R2P and see it as a crucial starting point for discussions to follow. The report on the implementation of R2P is a comprehensive and balanced one. It narrows the scope of R2P to a set of four crimes and three equally important pillars. Moreover, the report outlines the importance of sovereignty by underlining that the purpose of R2P is to build responsible sovereignty, not to undermine it.

R2P is based on existing international law, and nothing about the concept implies any alteration to the provisions of the Charter of the United Nations. The responsibility to protect is not synonymous with military intervention. That is an important message to all of us.

Prevention, in our view, is the key element of implementing the responsibility to protect. Establishing an early warning capability, as mandated in paragraph 138 of the 2005 Outcome Document, is essential, and we look forward to seeing the Secretary-General's proposal for strengthening the United Nations early warning capacity later this year.

The role of Francis Deng, Special Adviser for the Prevention of Genocide, is of particular importance in this regard. The role of regional organizations is indispensable, given their knowledge of regions and the specificities of countries. The International Criminal Court is an essential pillar of the emerging system of international justice and a powerful tool for addressing and deterring the commission of the most serious crimes, such as genocide, war crimes and crimes against humanity.

Assistance to States and capacity-building to strengthen the capacity of States in their own responsibility to protect are equally important. The rule of law, a competent and independent judiciary, respect for human rights and fundamental freedoms, the protection of minorities, security sector reform, sustainable development, a robust civil society, an independent press and tolerant political culture all constitute indispensable elements of the implementation of R2P. All of the components I have just mentioned are fundamental to preventing the perpetration of crimes related to the responsibility to protect, to helping stabilize post-conflict societies and to preventing the recurrence of conflict.

Member States clearly hold the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. When all preventive measures fail and a State manifestly fails to protect its population from these crimes, the international community should be prepared to take collective action in a timely and decisive manner in accordance with the Charter of the United Nations to ensure an early and flexible response. There is a broad range of tools available under Chapters VI, VII and VIII of the Charter. We join those who call upon the permanent members of the Security Council to refrain from using their vetoes in situations of genocide, crimes against humanity and serious violations of international humanitarian law.

In the 2005 Outcome Document (resolution 60/1), the responsibility to protect was for the first time collectively and irrevocably endorsed by one of the largest gatherings of world leaders in history. The 2005 consensus was clear and based on a strict and narrow concept of what R2P is and what it is not. It is now our responsibility to implement it in practice. Addressing R2P and potential R2P situations ultimately remains a matter of political will. Indifference is not an option. The consequences of inaction far outweigh the risks of timely prevention and response. History will judge us on what we do in the face of the worst atrocities. We have the opportunity to transform the words "never again" into reality and to save the lives of innocent civilians. It is our responsibility to seize this opportunity.

We look forward to constructive discussions on this important concept within the United Nations and more broadly. The continued engagement of the General Assembly on this topic has proved to be necessary, and Slovenia looks forward to future reports of the Secretary-General on implementation steps related to the responsibility to protect.

Mrs. Picco (Monaco) (*spoke in French*): The debate that brings us together today has but one objective — to save human lives. In 2005, all of us endorsed the responsibility to protect our populations from genocide, war crimes, ethnic cleansing and crimes against humanity by adopting the Outcome Document of the 2005 Summit (resolution 60/1). Four years later, the Government of the Principality of Monaco positively welcomes the balanced report (A/63/677) submitted by the Secretary-General on implementing the responsibility to protect. We also welcome the way this concept has evolved in recent years.

In this regard, the Government of Monaco supports the strategy based on the following three fundamental pillars: the protection responsibilities of States, international assistance and capacity-building, and decisive responses on the part of the international community when required.

As pointed out by Mr. Jean-Paul Proust, Minister for Foreign Affairs of the Principality of Monaco, during the general debate of the sixtieth session of the General Assembly, it is time to start to "work constructively to ensure that the emerging concept of responsibility to protect becomes positive law as soon as possible" (*A/60/PV.10, p. 34*).

Monaco, which has always supported the concept of development centred on the human being, can only support the establishment of a system of principles and values aimed at promoting the protection of civilians in grave situations in the name of the concept of non-indifference. In this regard, it could be fruitful to draw inspiration from the Constitutive Acts of the African Union, which recognizes the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, while respecting the principle of non-interference in internal affairs and upholding respect for democratic principles, human rights, the rule of law and good governance.

The International Commission on Intervention and State Sovereignty has, for its part, contributed to defining the responsibility to protect as an ability to prevent mass violations of human rights, and to react to them and reconstruct when they do occur. Since, as the Secretary-General's report recalls, grave situations are not limited to any one part of the world, establishing an active partnership, based on mutual commitments that take the specificities of each State into consideration, would seem to answer the expectations of our heads of State and Government. In this way, the responsibility to protect strengthens sovereign States by helping them to meet their obligations.

While we await, with great interest, the proposals to be drawn up by the Secretary-General for the establishment of a United Nations rapid response mechanism, my delegation assures the Assembly of its readiness to work together with all Member States and to support efforts to reach consensus on this issue.

Mr. Al-Shafi (Qatar) (*spoke in Arabic*): I should like to express my gratitude to the President of the General Assembly for having organized the interactive debate and for holding this meeting on a most important issue — the responsibility to protect — that requires an expanded and frank discussion of its emerging specificities.

We express our gratitude to the Secretary-General for his useful report on implementing the responsibility to protect (A/63/677) and thank the panel of experts who participated in the interactive debate yesterday. We also align ourselves with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

In discussing this very important subject, we must realize above all that the principles and concepts of human rights and their protection continue to develop and advance in the modern world. We must, at the outset, agree on the importance of working together towards the continued promotion of this positive trend. In this context, it is natural that the concept of security should expand, develop, and incorporate new concepts, such as the responsibility to protect and human security.

No one could object to the noble foundations and aims of the principle of the responsibility to protect. The solidarity of human beings with their fellows rises above political, racial, ethnic and religious differences, and is one of the noblest achievements of human civilization. There is no doubt that the international community, united as one family, must not stand silent before crimes against humanity, war crimes, ethnic cleansing or genocide, no matter where they occur. It should act with complete equality and fairness in order to preserve the credibility of this international Organization.

In that understanding, the consensus reached by world leaders at the 2005 World Summit emphasized the importance of protecting civilians and the responsibility of Governments in that respect, as expressed in the Outcome Document (resolution 60/1) and reaffirmed by the Security Council in resolution 1674 (2006). Any discussion of responsibility entails an implicit discussion of accountability, but we all know that the Summit did not agree on what needs to be done in cases where Governments fail or are unwilling to protect their population. We also know the reason for that failure.

The implementation of the responsibility to protect must be subject to regulation in line with

international law, must not affect or undermine the territorial sovereignty of States, and must prioritize the protection of populations under occupation and States and populations subject to foreign invasion in violation of their sovereignty. Those who seek to develop the concept must strive to conclude a detailed, internationally agreed definition of situations in which the responsibility to protect should be invoked and of the conditions that must prevail before it can be invoked. This must be done by the principal political forum of the world — the General Assembly.

Furthermore, history has taught us that many measures introduced under noble principles were not in fact what they were purported to be. One of the most important examples of that dark history was the era of colonialism and racial segregation, which were justified even by eminent Western intellectuals of the time as enterprises seeking the welfare of the uncivilized, barbaric nations that were subjected to colonialism.

In addition to these theoretical obstacles, the implementation of the responsibility to protect is also hindered by practical obstacles, the most prominent of which is the fact that the United Nations, the foremost international mechanism through which any humanitarian intervention can be carried out in the name of the international community, is bound by political realities that make it difficult to implement this principle in a consistent or harmonized way, thereby impeding the universal acceptance of the principle. How can the Security Council implement and enforce the responsibility to protect when it has repeatedly and clearly failed to implement and enforce its mandate under Article 24 of the Charter of the United Nations to maintain international peace and security in the face of atrocities committed against populations? These failures can be attributed to certain considerations now under discussion in the context of the intergovernmental process to reform the Security Council. The recent events in Gaza and, before that, in Somalia, Iraq and Afghanistan highlighted the international community's reluctance to implement the responsibility to protect principle fairly, justly and without politicization.

One of the most important factors that have led to criticism of principles that, in theory, should be above criticism — the principles of humanitarian intervention, human security and the responsibility to protect — is their misuse, not to mention the double standards invoked in relation to them and their subjection to such ignoble principles such as the use of force, pre-emptive strikes and hegemony. Worse still are the abuse and exploitation of noble humanitarian principles as cover for pursuing political ends of an entirely apposite nature, as witnessed throughout the era of colonialism and to this very day.

With respect to the scope and mechanism of protection, we emphasize the importance of implementing such concepts in a manner that helps States to protect their populations. We emphasize a comprehensive approach to the protection of civilians because the procedures and provisions that have often been very effective in ending the suffering of civilians include the diplomatic, humanitarian and appropriate peaceful means set out in the Outcome Document of the 2005 Summit.

On the basis of its belief that preventive peaceful solutions are more effective and legitimate than the use of force, and that they are based on the principles of the Charter of the United Nations, in particular Chapter VI, the State of Qatar has repeatedly undertaken joint diplomatic efforts with the United Nations and friendly countries of our region and beyond, and has contributed to resolving international and regional disputes and to protecting the populations affected by those disputes. We take this opportunity to reaffirm the linkage between development and security and the need to promote collective efforts to achieve political and economic development in developing countries within the framework of tripartite cooperation in the service of humanity.

Mr. Beck (Solomon Islands): We are mandated by our leaders to carry on the debate on the concept of the responsibility to protect (R2P). I thank the President of the General Assembly for having convened this plenary meeting and for having organized the stimulating R2P panel discussion that took place yesterday. The full attendance demonstrates the keen interest of all Members in getting R2P right from the outset as we seek consensus on its details, mechanics and structure.

R2P is another never-again mechanism that acknowledges the weakness of the current humanitarian and international conventions and treaties and existing institutional gaps within the United Nations system as it confronts the four international

crimes identified in the Secretary-General's report (A/63/677).

My delegation has no difficulty with the intentions and purposes of R2P, and subscribes to its principles. The challenge before us is to find a common interpretation and approach in translating paragraphs 138 and 139 of the 2005 Summit Outcome Document (resolution 60/1) into action.

As alluded to earlier, it is important that we define the concept in the framework of our multilateral structure, taking into consideration past failures of our Organization to meet its responsibilities. We must also examine the responsibility to protect in the light of recently established bodies, including the Peacebuilding Commission, and of Security Council reform, in particular in relation to the non-use of vetoes by permanent members when discussing the four international crimes.

First, with regard to the role of the Peacebuilding Commission, my delegation believes that the Commission should extend its activities to all countries emerging from conflict, as much of its work addresses the underlying causes of genocide, war crimes, ethnic cleansing and crimes against humanity. This must be done in a neat and water-tight manner so as to ensure that it points States in need of assistance in the right direction.

Secondly, we must protect and preserve the spirit of the responsibility to protect and not allow it to be opened to abuse.

Thirdly, we must not broaden the implementation of the responsibility to protect to include non-State actors or other mechanisms not provided for under the Charter of the United Nations. My delegation insists that accountability in operationalizing R2P must be the front, centre and back of the concept. We need to increase the legitimacy of the General Assembly, giving greater voice to its 192 members to oversee R2P implementation.

I should like to comment on each of the three pillars identified in the report. My delegation has no difficulty with pillar one. The protection of a State's population is the responsibility of the State itself. State sovereignty entails the State's obligation and duty to protect its citizens. Solomon Islands underscores this fact against the background that we operate in an international system in which States remain the main actors.

While my delegation has no difficulty also with regard to pillar two, international assistance and capacity-building, we would like to make one point. International assistance and capacity-building are about strengthening a country's sovereignty. However, unchecked assistance in general weakens a State's sovereignty as the population of the receiving State become spectators to well-equipped and well-resourced external actors.

Pillar three, timely and decisive action, is an area where further discussion is necessary. Speed is critical if lives are to be saved. Also, the time period for intervention should be matched against specific goals to allow for natural phasing out.

My delegation values this discussion because of our sad experience of having been through an ethnic conflict. Solomon Islands has a population of half a million people speaking 87 different languages. As far back as 1998, when my Government saw the simmering of ethnic conflict, a 911 call went out. No one responded in any real way. The Commonwealth sent in some 20 police officers, but withdrew them in 2000 as the country's situation became uncertain. My regional neighbours stepped in, in 2003, and are contributing to stabilizing and strengthening the country's sovereignty. This year, the Regional Assistance Mission to the Solomon Islands will be celebrating its sixth anniversary.

Turning to the early warning system, this can work only if there is a closer relationship between our multilateral Organization and Member States and if we are to get qualitative data. This means a United Nations country presence is a must, compared with representation in the region.

Secondly, our multilateral Organization must be more representative and have staff that match the diversity of its membership. Diverse staff members will provide critical information within the Organization in the light of the fact that there are many less-studied countries that are Members of the United Nations.

Allow me to close by assuring members of the cooperation of Solomon Islands as we continue the dialogue on this people-centred concept.

Mr. Vilović (Croatia): At the outset, I wish to thank the President of the General Assembly for organizing this timely debate. Croatia welcomes the Secretary-General's report on implementing the responsibility to protect (A/63/677) and his commitment to the responsibility to protect (R2P) agenda.

Even though Croatia has aligned itself with the statement made on behalf of the European Union, I would like to take this opportunity to make some additional points.

As we read the report, especially those parts mentioning violence in our region, we cannot help but think of all the lives that could have been saved in Croatia. The civilian tragedy of Vukovar served as an important wake-up call for the international community and underscored the importance of preventing the recurrence of such tragic events in the future.

Mr. Beck (Solomon Islands), Vice-President, took the Chair.

It is regrettable that the international community and the United Nations itself failed to recognize and respond adequately to the ethnically inflammatory rhetoric that for us culminated with the tragedy and complete devastation of the civilian city of Vukovar. Even after the temporary cessation of hostilities and the creation of United Nations Protected Areas (UNPAs), first in Croatia and then in Bosnia and Herzegovina, we were witness to ethnically biased killings and the abhorrent practice of ethnic cleansing.

United Nations peacekeepers were present not only in the so-called UNPA regions of Croatia, where hundreds of thousands of Croatian people were forced from their homes and where hundreds lost their lives, but also in the United Nations-declared safe haven of Srebrenica, where 8,000 Bosniac men and boys fell victim to an act of genocide. We cannot say that the many early warning signs before these crimes were perpetrated were not apparent. Unfortunately these signals were ignored, which raises the issue that we believe is the most important aspect of the R2P principle, that is, prevention.

In 2008 the world witnessed the success of the work of the Secretary-General and his Special Adviser on the Prevention of Genocide in preventing post-election violence and an escalation of tensions in Kenya. They reminded political and community leaders that they can be held accountable for violations of international law. This is where the value of the International Criminal Court lies, especially when it comes to cases of widespread and systematic rape and sexual violence against women and children.

Croatia believes that the commitments undertaken at the Summit of world leaders in 2005, contained in paragraphs 138, 139 and 140 of its Outcome Document (resolution 60/1), deserve to be applauded. In agreeing on their responsibility to protect populations from the four egregious crimes outlined in that document, the international community accepted for the first time the collective responsibility to act should States fail to protect civilians. The purpose of such a commitment is to save lives by preventing mass violations of human rights while reinforcing the Charter of the United Nations and the abiding principles of responsible sovereignty.

We should, however, not confuse the responsibility to protect with the right to intervene. On the contrary, the responsibility to protect is a collective obligation that consists of three pillars: the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive responses. As described in the Secretary-General's report, these three pillars offer numerous possibilities in implementing the responsibility to protect, from establishing effective mechanisms for handling domestic disputes to protecting the rights of women, children and minorities through the exercise of good offices and public and State diplomacy in assisting States under stress before a crisis breaks out.

The commitment to a timely and decisive response when a State is manifestly failing to protect its population from genocide, war crimes, ethnic cleansing or crimes against humanity is the last resort in situations where the first two pillars can be applied. However, where a rapidly unfolding situation requires sanctions or decisive action, Croatia believes that the Security Council, acting in accordance with the Charter, has a special responsibility.

The importance of the concept of the responsibility to protect lies in the many possibilities it offers towards achieving one fundamental and common goal, namely saving people's lives. As the United Nations strategy, standards, tools and processes on the responsibility to protect are developed in the General Assembly, each Member State has a unique opportunity

to fulfil a historic gap that can be found somewhere between non-interference and intervention.

Each Member State and the international community as a whole can stand ready to put into action the promises our world leaders made in 2005. We have the commitment. What we need now is the political will to guarantee that it is implemented.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): Jordan associates itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. I would like to thank the President of the General Assembly for having organized this in-depth dialogue on the implementation of the responsibility to protect.

Jordan welcomes the Secretary-General's report entitled "Implementing the responsibility to protect" (A/63/677). We believe this is a worthy project, which initiates an effective dialogue within the framework of the Assembly on a very important issue.

We in Jordan are convinced that the dark events of history must not be repeated. Massacres and other atrocities must never be allowed to happen again. Jordan, as a State party to the Statute of the International Criminal Court, firmly believes in the importance of the concept of the responsibility to protect and the priority given to it by the international community. My delegation is prepared to work with all parties at all levels with a view to developing an action plan agreed by all that would make it possible for us to place this concept in a framework that makes its implementation possible.

Jordan believes that paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1) form a firm political and moral foundation for a system to be agreed upon by the international community through the United Nations to implement the responsibility to protect. Those paragraphs express the unanimous view of the international community in that regard.

Jordan reaffirms the role of international law in the prevention of conflicts and in addressing their aftermath. Jordan is fully involved in the work of the International Criminal Court and has acceded to all international conventions relating to violence, genocide, ethnic cleansing, crimes against humanity and war crimes.

Jordan has given serious consideration to the Secretary-General's three-pillar strategy based on the four criteria established in the Outcome Document. My Government believes in dialogue to prevent conflicts and in strengthened preventive measures that would make it possible to avert these crimes, as well as in the use of peaceful tools, peacekeeping operations and non-coercive measures.

My delegation believes that adopting and implementing the Secretary-General's strategy requires an open and transparent dialogue involving all parties and in the interest of all States Members of the United Nations. We believe that the Assembly's debate on implementing the concept should, in the future, be focused on the following four points.

First, we must take into account the concerns of States regarding the misuse of the concept outside the framework defined in paragraphs 138 and 139 of the 2005 World Summit Outcome Document. We should make an effort to dispel the impression that the concept is linked to interference and to an inevitable recourse to military force. We should make it clear that the concept's implementation is limited to the four types of crimes envisaged in the Outcome Document. Any attempt to expand the scope of application of the strategy beyond those four criteria would threaten and even undermine the viability of the concept and its chances for success.

Secondly, the successful implementation of this concept is closely linked to the credibility and viability of the strategy. We should avoid selective approaches in that regard. Political considerations and conflicts of interest would have a negative impact on the decision-making process and would thus undermine the international community's trust in the concept of the responsibility to protect. If the concept is not subject to firmly established criteria, it would lose credibility.

Thirdly, Jordan supports and endorses the Secretary-General's rapid response strategy. We believe that mass atrocities and war crimes do not come without warning, signals or information; rather, some forces persist in committing massacres, and the international community lacks the will to stop it. Therefore, the political will of the international community is paramount, independent of the political interests of the parties involved in a conflict. That is the core of the strategy and the basis for its successful implementation.

Fourthly, Jordan, as a member of the Small Five Group — Costa Rica, Liechtenstein, Singapore, Switzerland and my own country — and an active participant in the International Criminal Court, calls for the exclusive use of this concept within the framework of the strategy outlined by the Secretary-General. The strategy is truly viable and has a great deal of promise. To make sure that it succeeds, my delegation associates itself with the Secretary-General's appeal to States with respect to the need for the five permanent members of the Security Council to refrain from expanding the scope of application of the concept beyond the four criteria envisaged in the Secretary-General's strategy. Jordan welcomes the continued review of this issue by the General Assembly, which will open up a dialogue in this regard.

The General Assembly must further consider the role of the Human Rights Council, the Peacebuilding Commission and the Economic and Social Council in making the concept of the responsibility to protect more specific and concrete. We believe that the national responsibility borne by States is the true foundation of the strategy. To ensure that this responsibility functions in an optimal way, we should focus on the second pillar: international assistance and capacity-building. The international community must redouble its efforts in that regard and invest further time, effort and resources in the second pillar in order to ensure the success of the Secretary-General's strategy.

Mr. Olinger (Luxembourg) (*spoke in French*): I welcome the organization of this General Assembly debate to discuss the report of the Secretary-General on implementing the responsibility to protect (A/63/677). I fully associate myself with the statement made by the representative of Sweden on behalf of the European Union.

The concept of the responsibility to protect has been endorsed by our leaders at the highest level. At the 2005 World Summit, the General Assembly unanimously adopted the Outcome Document (resolution 60/1), whose paragraphs 138 and 139 form the basis of the responsibility to protect. The entire international community has undertaken a solemn commitment and has set forth the obligation of each State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Our heads of State or Government have recognized that it is fundamental to avoid the avoidable, namely the repetition of the failures of the international community in the face of atrocities committed in Rwanda, the former Yugoslavia and Cambodia. This first report on implementing the responsibility to protect is a key step towards formulating a concrete strategy aiming to translate this concept into reality.

All States Members of the United Nations recognized in 2005 that the responsibility to protect neither calls into question the principle of State sovereignty, which is at the core of international relations in the twenty-first century, nor justifies arbitrary interventionism. As the Secretary-General recalls in his report, the responsibility to protect is an ally of sovereignty, not an adversary. Sovereignty entails rights but also responsibilities, and, among the latter, none is as important as the responsibility to protect one's citizens. The scope of this responsibility is limited to four types of particularly heinous crimes.

Parallel to that, paragraphs 138 and 139 provide that the international community should assist States in meeting their obligations under the responsibility to protect by encouraging them to effectively carry out their responsibilities and by assisting them to strengthen their national capacities to prevent crimes.

Preventive action is indeed the key component of the responsibility to protect as it seeks to save lives. Establishing an early warning system, as the report suggests, could indeed contribute to preventing potential tragedies.

My country is convinced that investing in training programmes on human rights, mediation, conflict prevention, crisis management and good governance will be beneficial in the long term. Many international actors can also play a crucial role in terms of prevention, in particular regional organizations — and here I would just mention the Economic Community of West African States, which has an early warning mechanism — the Human Rights Council through its universal periodic review mechanism, the Peacebuilding Commission, the international justice system, fact-finding missions, humanitarian actors, peacekeepers and the Secretary-General himself. It is, however, first and foremost up to Member States to work to prevent conflicts.

Finally, the responsibility to protect can also translate into collective action by the international community, through the United Nations, on a case-by-

case basis, to protect populations against crimes and serious violations, when States manifestly fail to meet their protection obligations. In rapidly evolving situations, it is indeed vital that we be able to respond as quickly as possible to save human lives.

While there might be differences of views on the responsibility to protect, there is, however, a strong consensus among all Member States to honour the principle of "never again". The concept is defined; it is now time to focus on its implementation. My country welcomes the recommendations set out in the report for implementing the responsibility to protect. Above all, we must all show the necessary political will to take this implementation forward at the United Nations and to deepen the concept on the basis of further contributions from the Secretary-General.

The memory of the millions of victims of past atrocities is a constant reminder that we have a burning obligation to pursue our dialogue in this forum in order to implement the responsibility to protect.

Ms. Rovirosa (Mexico) (*spoke in Spanish*): I thank the President of the General Assembly for convening this series of meetings, which provide an excellent opportunity to discuss the responsibility to protect. Mexico likewise would like to express its thanks to the Secretary-General for the preparation of the report on implementing the responsibility to protect (A/63/677). We recognize his commitment to this issue and the excellent work he has carried out with the support of his Special Adviser, Mr. Edward Luck.

The debate on implementing the responsibility to protect is urgently needed to promote a better understanding among Assembly members of the scope of this concept, of the commitments made by States during the 2005 World Summit and of the role of the Organization in making this concept operational in strict conformity with the Charter of the United Nations. There is no doubt that the Secretary-General's report provides enormously valuable input in reaching this objective.

The responsibility to protect is a concept that arose as a response to the historical indifference of the international community when faced with massive violations of human rights and humanitarian atrocities because interests other than the protection of persons came first. There are many examples, and we are all aware of them. There are some very recent ones, which we still remember, and others that remain painfully topical.

The scope of the concept is described in paragraph 138 and 139 of the 2005 World Summit Outcome (resolution 60/1). Unlike other concepts with which it is associated, such as humanitarian intervention, the concept of the responsibility to protect has a much sounder basis in international law, since it was adopted by the General Assembly at the highest possible level and endorsed by the Security Council. Furthermore, the concept draws upon and is based on existing international law, in particular human rights and international humanitarian law, the protection of which is a bridge between States with regard to this responsibility.

In accordance with the 2005 World Summit Outcome, this is an obligation that, without any doubt, falls primarily to each individual State. But when persuasion and peaceful means have failed in ensuring compliance with this obligation, it is transferred to the international community. Hence, the issue is to know what concrete measures we are talking about and within what framework they should be adopted.

Mexico supports the Secretary-General's report and appreciates the effort to identify and develop the three pillars through which it is proposed to implement the responsibility to protect. On the basis of this approach, we believe that developing the concept's normative nature is of great importance, since the more precision we have, the more certainty we will have about the responses that the international community is called upon to undertake in the most pressing humanitarian crises.

Allow me to go into more detail on the subject. State sovereignty is and continues to be the cornerstone of the international legal order. Essentially, what this means is that sovereignty represents the freedom of States within the framework of international law. The concept of the responsibility to protect is based precisely on the formula developed by the Permanent Court of International Justice in 1923 in the *Wimbledon* case. This formula remains true and valid, although the emphasis today is placed on the duties of States towards their populations, precisely because of the historical reasons we have cited.

The first two pillars mentioned in the Secretary-General's report specify the recognition by States of this understanding of sovereignty and establish the

means of assistance that the international community, through regional organizations and the United Nations system, would provide to States when necessary. In other words, the Organization's complementary function is well delineated vis-à-vis the sovereign jurisdiction of States.

The third pillar, from our point of view, requires more specifics. It is true, for example, that timely, decisive responses require a certain flexibility to achieve their objectives. However, they should not become abuses because of the emphasis put on ad hoc responses, thus detracting from the certainty that is necessary for legitimacy. We therefore believe it essential for the General Assembly to continue this work in the immediate future.

It should also be clear that, in accordance with the report itself, timely and decisive responses expressly exclude any possibility of unilateral action in violation of the Charter. There is thus no doubt that the responsibility to protect in no way alters the obligation of States to refrain from the use of force. In this regard, it should be recalled that the third pillar includes measures that the international community can adopt in the collective security framework provided for in the Charter, beyond those of a coercive nature under Chapter VII. In this regard, mediation and preventive diplomacy, to cite two examples, are tools that can be used to implement the responsibility to protect. The Secretary-General can play a leading role in this by carrying out his inherent responsibilities in accordance with the Charter.

In this context, we must also consider what practice the Organization should develop in invoking the responsibility to protect. I want to stress that, for Mexico, this aspect is essential to guaranteeing that this concept is invoked appropriately, used incrementally and adapted to the specific circumstances of each case. Ultimately, that practice is what will guarantee the legitimacy and prestige of the Organization.

On that aspect, I would like to highlight in passing what we see as the duality of the responsibility to protect. On one hand, it is obvious that that concept is designed to protect victims from four specific crimes and to avert the commission of many others. On the other, we believe that it has a dimension that is directly linked to the strengthening of multilateral action and the work of this Organization. In other words, the responsibility to protect provides the United Nations with the opportunity to strengthen its role in responding to situations similar to those that, in the past, it has only observed from the sidelines or, still worse, had to recognize after the fact.

Returning to the topic of the Organization's practice, Mexico believes the range of actions set out under each of the pillars in the Secretary-General's report to be appropriate. Thanks to those, the international community has the capacity and the duty to design policies to deploy the capacities of regional systems and of the United Nations, in a process that favours prevention and the strengthening of State institutions over other methods, such as coercive ones. In that regard, the emphasis that the Secretary-General places on prevention as the driver of the responsibility to protect is very valid.

Allow me to briefly address the role that the Security Council should play. The decision of Member States to take timely and decisive collective action through the Security Council when faced by a situation that falls under the criteria of the responsibility to protect is, without doubt, very effective as a deterrent.

Nonetheless, it must remain very clear that the practice and procedures developed by the Security Council in that area will define the space for other kinds of situations, in which interventions are attempted for purposes other than protection. The Security Council must avoid the temptation to use the responsibility to protect as a means to alter the Charter obligations of States with regard to the use of force or the exceptions to those obligations. However, it is not insignificant to recall that the responsibility to protect always unfolds within the parameters of the Charter, thus providing legality and legitimacy for the international community's necessary action.

Allow me to conclude by pointing out that implementing the responsibility to protect needs us all to design strategies that are common in their goals, but with differences according to the nature of each organ of the Organization. Through the General Assembly, we must continue to develop ways to implement the responsibility to protect in the light of the guiding principles established under the Charter.

I reaffirm Mexico's full support for the report of the Secretary-General and its commitment to work towards a common understanding in this very important area, on the basis of a multilateral strategy.

Mr. Gasana (Rwanda): I thank the President of the General Assembly very much for convening this debate to consider the Secretary-General's report (A/63/677) on implementing the responsibility to protect (R2P). Let me also take this opportunity to thank the Secretary-General for his eloquent and powerful presentation of the report (see A/63/PV.96), which we warmly welcome. Let me also thank his Special Adviser, Mr. Edward Luck, for his continued commitment and contribution to furthering the consideration of the responsibility to protect.

The adoption of the 2005 World Summit Outcome Document (resolution 60/1) by our heads of State or Government four years ago enshrined the principle of the responsibility to protect and marked a pivotal moment in the international community's response to genocide, war crimes, ethnic cleansing and crimes against humanity. The Secretary-General's report and the deliberations that we have had in the last few days will provide for the logical next steps in realizing and implementing the aspirations of our heads of State or Government, as set out in paragraphs 138 and 139 of the World Summit Outcome Document.

The genocide that claimed the lives of over a million of my countrywomen and countrymen, my own kith and kin, in a hundred days 15 years ago is known to all present and has been cited by many speakers as the rationale for the responsibility to protect. In many respects, that is the case. Our tragedy is compounded by the fact that the genocide in Rwanda was entirely preventable. The early warning signs were there. A United Nations peacekeeping force was present on the ground. But, as the Permanent Representative of New Zealand reminded us yesterday (see A/63/PV.97), some permanent members of the Security Council debated whether or not to call it genocide while people were being massacred — almost 10,000 a day.

Some have argued that even if the responsibility to protect had been agreed, the genocide would still have taken place. That may very well be the case. However, we are firmly of the view that the 2005 World Summit Outcome Document, the Secretary-General's report and the debate that we are having today make it much less likely that the horrific events that took place in Rwanda in 1994 will be repeated anywhere.

The Secretary-General's report builds upon paragraphs 138 and 139 of the World Summit Outcome and clarifies the concept into three pillars and four crimes. The three pillars — namely, the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response — offer an unambiguous framework for the implementation of R2P.

The African Union (AU) and African regional economic communities have made great strides, in line with the three pillars, to implement and operationalize R2P. The AU Constitutive Act makes clear the policy of non-indifference and in its article 4 (h) outlines the right to intervene in a member State pursuant to a decision of the AU Assembly in respect of grave circumstances, namely war crimes, genocide or crimes against humanity. The African Peer Review Mechanism, the African Standby Force and the International Conference on the Great Lakes Region, among other mechanisms, highlight the leading role that African States have taken. It is imperative that the laudable efforts of the African Union under pillar two be given the necessary support in order to augment and strengthen them.

My own Government has been active in its efforts in line with the three pillars. Through the East African Community and the establishment of the Eastern Africa Standby Brigade and the Regional Programme for Action on Peace and Security of the International Conference on the Great Lakes Region, my Government has also steadily increased its contribution to peacekeeping and will continue to do so. Rwanda will continue to support and strengthen partnerships between civil society organizations and Government to highlight the responsibility to protect in Rwanda and throughout the region.

We are cognizant that aspects of R2P require further elaboration. Further clarity is required, for example, on the threshold for intervention and on who determines that the threshold has been met; on the respective roles of the General Assembly and the Security Council in implementing R2P; on the critical issue of the use of the veto in cases of genocide, which we firmly believe should be abolished; on the establishment and strengthening of early warning mechanisms; and on the question of intervention. We, however, have a different view on the latter aspect: the objective of R2P should be to eliminate the need for intervention by ensuring that the measures called for in pillars one and two are implemented in a timely and

transparent manner. We view this debate as an important step in further clarifying these concerns.

In conclusion, it is our considered view that the debate on the Secretary-General's report on implementing the responsibility to protect should not be an exercise in intellectual posturing or an opportunity to grind political axes or engage in polemics; it is simply about the value we place upon human life. It is fallacious to believe that the events that took place in Rwanda are limited to or could only occur in a particular region or country. History suggests otherwise. It is incumbent upon us to make certain that history does not repeat itself.

Mr. Çorman (Turkey): As the full text of my statement is being circulated, I will be brief in my remarks.

Adoption of the concept of the responsibility to protect (R2P) was one of the major achievements of the 2005 World Summit. The Secretary-General's 12 January 2009 report on R2P (A/63/677) is another important step. It is a product of meticulous study and is surely welcome. It is our hope that our discussion here today here will contribute to the conceptual development of this important concept.

It is regrettable to witness that the crime of genocide, war crimes, ethnic cleansing and crimes against humanity are still being committed. Needless to say, protection of civilians is a common concern and constitutes a priority for all members of the international community. However, translating the concept of R2P into current action is an exercise that requires diligence. It is true that we should stick to the carefully drafted and balanced text of the Summit Outcome Document (resolution 60/1) as it relates to R2P, but we should also be able to further identify and clarify the elements of the concept in order to avoid misperceptions.

The responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity rests primarily with States. Prevention of such crimes by State authorities in a lawful and timely manner is the most desirable way to exercise this responsibility. Thus, the rule of law and a properly functioning judicial system are the key factors in deterring potential perpetrators of such crimes. Only if there is no impunity will sustainable prevention be possible.

In cases where prevention is not possible, detection of crises at their initial phases is of utmost importance so that their appalling consequences can be prevented or at least mitigated. For this purpose, the United Nations, its Member States and other stakeholders must work as a whole, in a coordinated, coherent and cooperative manner.

In exceptional cases where States cannot or will not protect their populations, the international community has the responsibility to do so through a range of means, from sanctions to, as a last resort, collective action. However, we must be extremely careful in resorting to these coercive measures and must always seek to enable the States in question to assume and deliver on their responsibilities. The very concept of R2P is, first and foremost, designed for that purpose.

We believe that R2P is not limited to prevention and reaction. It also covers post-conflict rehabilitation. Indeed, for the protection of civilians in the long term, it is crucial to ensure that States not find themselves at the end of the day still challenged by the underlying problems that had caused or triggered the crisis itself.

Finally, there is another important dimension on which we all must focus. This concept has been misused on various occasions in the past. It should therefore come as no surprise to any of us that many States perceive that they are faced with a new concept of neocolonialism. R2P should therefore be better defined and better communicated in order to overcome misperceptions. Otherwise, it will be difficult for the promoters of the concept to gain the confidence and support of the wider membership.

Mrs. Pino Rivero (Cuba) (*spoke in Spanish*): First of all, my delegation aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. I would like to offer some general considerations about the issue being discussed today, and then make some preliminary comments on the report of the Secretary-General (A/63/677).

The notion of the responsibility to protect does not exist as a legal obligation provided for in any instrument of international law or in the Charter of the United Nations. Although we recognize the responsibility of each State to promote and protect all the human rights of its people, we are concerned about the proliferation of ambiguous and similar terms that,

under an indiscriminate humanitarian mantle, could in practice entail a violation of the principle of State sovereignty and in general of the Charter of the United Nations and international law. One need only recall so-called humanitarian intervention and the old "temporary interposition" of the early twentieth century.

Cuba reaffirms that respect for State sovereignty is one of the essential foundations of international relations and cannot be rejected, even for noble purposes. Without it, the United Nations could not survive and the small countries of the South would be left to the mercy of the large and powerful countries.

To claim that the principle of sovereignty has hampered United Nations activities to assist the suffering is to distort the truth. The Organization's failure to act is sometimes caused by, inter alia, lack of political will, selectivity, double standards, limited development resources and dysfunctions in some of its bodies, such as the Security Council.

Despite the fact that it is 60 years old, the Charter of the United Nations has the international community's unanimous support, and its provisions — including its principles and purposes — do not require amendment or reinterpretation.

The norms of international law and the Charter of the United Nations codify the legal framework for international cooperation to resolve international problems of an economic, social, cultural or humanitarian nature, as well the obligations of States to promote and protect human rights. Solutions to such problems are set out in Chapter IX of the Charter. In particular, Article 60 provides that responsibility for the discharge of such functions shall be vested in the General Assembly and, under its authority, in the Economic and Social Council.

In that connection, we consider that the General Assembly is the appropriate forum for the in-depth consideration of genocide, war crimes, ethnic cleansing and crimes against humanity, which are horrendous crimes that we repudiate. Certainly, the decisions of the Assembly are not binding. However, as it is a democratic and transparent body of universal composition, its decisions can provide legitimacy and attract international consensus much more effectively than those of the Security Council.

The Security Council lacks the capacity to take decisions on international problems of an economic, social, cultural or humanitarian nature. In international law, international peace and security are linked to the prohibition of the threat or use of force because, in keeping with the spirit of the Charter, the concept of collective security can be activated only in an inter-State situation or to protect a State against external aggression, which poses a threat to international peace.

No juridical norm can legally justify humanitarian intervention by the Security Council under Chapter VII of the Charter. If such a legal norm existed, we believe that the current, unjust international order, plagued by double standards, would guarantee neither credibility nor justice for all States on an equal basis. It would represent a violation of the main achievements of contemporary international law — the illegality of war and the prohibition of the use of force. Thorough reform of the composition and working methods of the Council would be required to ensure the non-abusive and non-selective use of that term.

We need only cite the Security Council's utter failure to act during Israel's attacks against Lebanon in 2006 and against Gaza in late 2008, when obvious acts of genocide and war crimes were occurring; or, at the other end of the spectrum, the attempt by a permanent Council member to invoke the responsibility to protect against Myanmar following Cyclone Nargis in 2008. The countries affected by omission or commission in such cases are always developing countries.

We reaffirm that international humanitarian law does not provide for the right of humanitarian intervention as an exception to the principle of non-use of force. The non-coercive nature of the Council's work conflicts with its ability to take decisions of a coercive nature. That is why humanitarian actors must fully respect the guiding principles of humanitarian assistance and work to provide humanitarian assistance at the request and with the consent of the affected State.

Countless questions illustrate the legal, political and ethical complexity of this problem. For example, who decides if there is an urgent need for intervention in a particular State; what criteria, within what framework and on the basis of what conditions? Who decides when it is obvious that a State's authorities are not protecting its population, and how is the decision reached? Do small States also have the right and the

genuine ability to interfere in the internal affairs of larger States? How and where is the line drawn between intervening by virtue of the responsibility to protect and intervening for political or strategic purposes, and when do political considerations trump humanitarian conditions? How can we believe in the good faith of Powers that carry out wars of aggression against other nations? Is it legal and ethical to kill for food? Is it legal and ethical to save an ethnic group from ethnic cleansing by killing the other party? When do foreign forces of occupation withdraw? When does the violation of a country's sovereignty end?

The language agreed at the 2005 World Summit regarding the responsibility to protect did not make that term a concept or a standard of law. Its ambiguity gave rise to an intense debate that should be conducted step by step. First, we should work together to close its legal loopholes and then, if Member States consider it appropriate, the concept's viability should be assessed. The debate must concern genocide, war crimes, ethnic cleansing and crimes against humanity. Any attempt to expand the term to cover other calamities — such as AIDS, climate change or natural disasters — would undermine the language of the 2005 World Summit Outcome Document (resolution 60/1).

We believe that the report goes beyond what was agreed at the intergovernmental level when it addresses the human rights issue in the first two pillars and in its annex. It grants prerogatives to the special procedures of the Human Rights Council and to the Office of the United Nations High Commissioner for Human Rights that belong to States. We also believe that more discussion on the early warning mechanism is needed.

The proposal that donor countries incorporate the responsibility to protect into assistance programmes could create new conditionalities for operational activities to promote development. We are concerned by the flexibility and automatic interdependence related to the implementation of the three pillars, as well as by the fact that they can be used at any time, which implies the taking of stronger measures without clear reasons for doing so.

The ambiguous reference to regional mechanisms or agreements and the extraregional aspect is highly controversial. As with NATO aggressions, including those outside its region, we would run the risk of undermining international legislation on behalf of the principles and purposes of the Charter of the United Nations and international law.

Moreover, the report lacks an analysis of this concept from the perspective of the legitimate right of peoples to self-determination and the promotion of dialogue among civilizations, tolerance and, in general, a culture of peace and non-violence in the world. The report also fails to duly delineate the principles of voluntary acceptance and of the prior request and consent of each State for assistance and capacity-building, including that of a military nature.

These are some of the concerns that arose from our preliminary study of the report, which we will continue to analyse. This is the first time that Member States have held a formal debate on this concept, and it requires deeper analysis in the framework of the General Assembly.

Mr. Bródi (Hungary): The Republic of Hungary welcomes this opportunity for a broad-based debate on the implementation of the principle of the responsibility to protect.

My delegation fully aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union.

It is indisputable that the main challenge to mankind has always been learning from the mistakes of the past, especially in preventing the repetition of the crimes of previous decades and centuries. This is why it is particularly significant that heads of State and Government unanimously reaffirmed in the 2005 World Summit Outcome (resolution 60/1) that each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. At the same time, they underlined that the most important task of the international community is not only to punish the perpetrators of the most serious crimes, but also to not let these crimes ever happen again.

In this process, the first report of the Secretary-General on the implementation of the responsibility to protect (A/63/677) is of crucial importance. The Republic of Hungary warmly welcomes the report and finds its analysis remarkable and well balanced. The report gives clear guidance to Member States on the implementation of the concept and identifies the ways and means to achieve our common goal — the fullest protection of the population. We concur with the

Secretary-General's conclusion that the three pillars of the responsibility to protect, as described in the report, together constitute a complete implementation of the concept. No pillar can be singled out as the ultimate solution to all of the problems.

There is equal emphasis on the shared responsibility of each individual State and the international community to avert any kind of violation of international law. It is evident, however, that the primary responsibility is on States to protect their populations. Notwithstanding the basic principle of State sovereignty, it is hard to contest the fact that State sovereignty implies not only rights, but also responsibilities and obligations under international law, especially the protection of human rights and fundamental freedoms. Therefore, if a State has manifestly failed to do so, the international community has the moral obligation to give a timely and decisive response.

Depending on the particular circumstances, the international community has to act efficiently by assisting States in fulfilling their responsibility and in building their protection capacities. In this regard, the international instruments and mechanisms for early warning, conflict prevention, mediation and crisis management should be further improved.

Based on current experience in this particular field, the potential and significance of regional organizations should not be underestimated. In cases where, despite all these efforts, a State is manifestly failing to meet its responsibilities, the response of the international community should be prompt, and necessary action might even be taken by the Security Council in accordance with the Charter of the United Nations.

I would like to draw the Assembly's attention to the fact that one particular goal can clearly be found in each individual pillar of the report, and that is the importance of prevention. Recent research shows and makes it evident that the progression of events towards genocide is gradual and that the period from initial threat to full genocide offers ample warning time in which the international community can take preventive action. The international community should make use of this fact to enhance the efficiency of its activities in this field.

When it comes to the prevention of genocide and mass atrocities, one of the major impediments to acting efficiently is the lack of institutional capacity. We strongly believe that there is a clear and urgent need for further institution-building in this respect.

That is the reason why, last year, Hungary decided to prepare a feasibility study on the establishment of an international centre for the prevention of genocide and mass atrocities, to be located in Budapest. Such a centre could stimulate worldwide cooperative efforts in the next few years to establish a well-functioning system for the prevention of genocide and mass atrocities through a dynamic and systematic approach involving early action mechanisms. The centre is envisaged to work in close cooperation with the United Nations, the Office of the Special Adviser on the Prevention of Genocide, the Office of the High Commissioner for Human Rights and other United Nations bodies.

It is our hope that the centre will become a catalyst for information and early warnings coming from various sources and a research mechanism to elaborate and transform them into relevant policy recommendations for the international community. To achieve this goal, we are soliciting the invaluable support of the United Nations and its Member States in the establishment and operation of the centre.

Mr. Puri (India): I would at the outset like to place on record my delegation's appreciation to the President of the General Assembly for convening these discussions. I would also like to record our appreciation to the Secretary-General for the presentation of his report entitled "Implementing the responsibility to protect" (A/63/677) to the General Assembly on 21 July 2009.

The discussions so far have left some of us deeply disturbed. Perhaps it is a sign of the troubled times we live in that these discussions continue to reveal both a sense of helplessness and deep intellectual acrimony in finding the political will to prevent the recurrence of the four identified mass atrocities.

It has been India's consistent view that the responsibility to protect its population is one of the foremost responsibilities of every State. The right to life is one of the rights from which no derogation is permitted, even in time of emergency. This is a cardinal obligation under our Constitution. The International Covenant on Civil and Political Rights,

which has 164 States parties, also has this as its core obligation.

Paragraph 138 of the World Summit Outcome Document (resolution 60/1) clearly demands that the international community encourage and help States to exercise their responsibility to prevent genocide, ethnic cleansing, war crimes and crimes against humanity and support the United Nations in establishing an early warning capability. Capacity-building and early warning are indeed critical to ensure that these four mass atrocities do not recur. The report of the Secretary-General has very well identified several proposals under pillars one and two in this regard. These should be worked on intensively by the international community.

Protection of populations is identified by the Secretary-General as a defining attribute of sovereignty and statehood in the twenty-first century. However, sovereignty as responsibility has always been a defining attribute of nation-States, where safeguards for protection of fundamental rights of citizens are constitutionally provided.

In the international arena, insofar as the identified four mass atrocities are concerned, we have a specific Convention on the Prevention and Punishment of the Crime of Genocide and several other legal instruments that not only lay down extensive obligations of States towards their citizens but also hold them accountable when necessary. In fact, the entire human rights regime is fundamentally predicated on this.

The responsibility of the international community has also been identified, be it regarding war crimes or regarding genocide. For example, under the Genocide Convention, on the request of a State party, the competent organs of the United Nations can take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

Regrettably, despite all the safeguards and obligations, the international community has in the past failed in its duty to respond to mass atrocities, even when they were a clear threat to international peace and security. It is for this reason that this issue came up for consideration at the 2005 World Summit.

The 2005 World Summit Outcome was a large omnibus document that tried to find common ground on a vast array of issues of global interest. Of course, while disagreement prevented the document from addressing disarmament, we also need to accept that on the issue of the responsibility to protect there was a cautious go-ahead. Discussions to provide doctrinal, policy and institutional life for paragraphs 138 and 139, if they are to be faithful to the 2005 document, must therefore not lose sight of this fact.

Since words have meaning, it would be useful to recall that in paragraph 139, the international community was enjoined to use appropriate diplomatic, humanitarian and other peaceful methods and, I would like to repeat, peaceful means, to help protect populations in the specific situations of genocide, ethnic cleansing, war crimes and crimes against humanity.

Willingness to take Chapter VII measures can only be on a case-by-case basis and in cooperation with relevant regional organizations with the specific proviso that such actions only be taken when peaceful means are inadequate and national authorities manifestly fail in discharging their duty.

Not only do these measures have to be used as a last resort, but they have to be in conformity with the provisions of the United Nations Charter. Moreover, we also have to be realistic. As we do not live in an ideal world, we need to be cognizant that the creation of new norms should at the same time completely safeguard against the misuse of those norms. In this context, the responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action. That would not only give the responsibility to protect a bad name but would also defeat its very purpose. Perhaps finalization and adoption of the definition of aggression under the Rome Statute would to some extent assuage the concerns regarding the misuse of this idea.

As students of history, we should remember that to disregard the lessons of history makes us vulnerable and commits us to the folly of repeating mistakes of the past. The need for extra vigilance, therefore, cannot be overemphasized.

The 2005 World Summit Outcome Document provides the parameters regarding the application of the responsibility to protect to the four identified mass atrocities. Our deliberations must therefore be within that framework. Sticking to these parameters is important in view of the very general linguistic meaning that the expression "responsibility to protect"

can invoke. We are all aware that even after 2005 there have been attempts to use the responsibility to protect disingenuously, including at the highest levels in the international community.

It is therefore important that the General Assembly discuss these issues holistically in an open, inclusive and transparent manner, so that in developing this new idea, we will ensure that it is used only for its stated purpose and that the potential for its misuse is minimized.

The Secretary-General's report examines some of the most heinous events that occurred under the watch of the United Nations and notes the issue of the gulf between mandate and means. Even a cursory examination of reasons for non-action by the United Nations, especially by the Security Council, reveals that in respect of tragic events that were witnessed by the entire world, non-action was not due to lack of warning, resources or the barrier of State sovereignty, but was due to the strategic, political or economic considerations of those on which the present international architecture places the onus to act.

The key aspect, therefore, is to address the issue of willingness to act. Here, of course, a necessary ingredient is real reform of decision-making bodies in the United Nations, especially the Security Council and its permanent membership structure, to reflect contemporary realities and make them forces for peace capable of acting against mass atrocities.

Mr. Casal de Fonsdeviela (Andorra) (*spoke in French*): Let me thank the Secretary-General for the relevance and soundness of his report as it relates to an ongoing dialogue on the responsibility to protect.

As members know, at the 2005 World Summit the Principality of Andorra fully endorsed the adoption of paragraphs 138 and 139 of the Outcome Document (resolution 60/1). We support the responsibility of States to protect their population from crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. We also understand that each State must protect its own people from these evils and must be the first to do so. This right, which is also an obligation, must be exercised long before these violations are committed.

We are the first to say that the protection of populations cannot be complete unless it is preventive. But it is also true that States may fail in this task, in which case international assistance alone can ensure the protection of the population.

Recent history teaches us — and I am speaking here as a European — that the need to protect applies to all continents. Therefore it is conceivable and natural that the United Nations should possess the means for providing an international response. The Organization is best suited to coordinate the necessary responses, responses that must be proportionate to and commensurate with what is at stake.

That is why we welcome efforts, including those of the Secretary-General, to reach the broadest possible consensus and to build an effective system to protect populations.

Mr. Bodini (San Marino): San Marino welcomes the debate on the responsibility to protect (R2P). This debate represents a great opportunity to reaffirm our global commitment to R2P. San Marino welcomes and appreciates the Secretary-General's report on implementation (A/63/677) and reiterates its support for the 2005 World Summit Outcome Document (resolution 60/1), especially its paragraphs 138 and 139.

San Marino, being a small country without an army to protect itself, is very sensitive to this issue. Therefore, we strongly welcome the United Nations effort to assist those States that are unable to protect their population from genocide, war crime, crimes against humanity and ethnic cleansing and to protect civilians in those States whose Governments are unwilling to do so.

However, the implementation of R2P, being so sensitive to misinterpretation and thus to possible abuses, has to be carried out under international scrutiny and has to follow rigorous guidelines. The Secretary-General's report is a first important step and is a substantive tool to enable us to finalize a correct and unbiased approach to the implementation of R2P. The General Assembly must develop a final and effective implementation policy.

The United Nations must be able, in a transparent and fair manner, to act in a timely and effective way, when needed, in defence of the powerless of our world. In doing so, the United Nations not only will fulfil its mandate, but will enhance the credibility of the General Assembly and the Security Council.

The meeting rose at 6 p.m.

United Nations A/63/PV.100

General Assembly

Sixty-third session

Official Records

100th plenary meeting
Tuesday, 28 July 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Menan (Togo), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Fourth report of the General Committee (A/63/250/Add.3)

The Acting President (*spoke in French*): In its report the General Committee decided to recommend to the General Assembly that an additional item entitled "The scope and application of the principle of universal jurisdiction" be included in the agenda of the current session under heading F, "Promotion of justice and international law".

May I take it that the General Assembly decides to include this item in the agenda of the current session under heading F?

It was so decided.

The Acting President (*spoke in French*): In subparagraph (b) the General Committee further recommends that the item be considered directly in plenary meeting.

May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The Acting President (*spoke in French*): I should like to inform members that the item entitled "The scope and application of the principle of universal jurisdiction" becomes item 158 on the agenda of the current session.

Ms. Edblom (Sweden): I take the floor on behalf of the European Union to explain our position following the adoption of the recommendation of the General Committee contained in its fourth report (A/63/250/Add.3).

The European Union welcomes the inclusion of the new agenda item, "The scope and application of the principle of universal jurisdiction", in order to enable the General Assembly to consider the draft decision included in document A/63/237/Rev.1. By virtue of the draft decision, the scope and application of universal jurisdiction would be included in the agenda of the sixty-fourth session of the General Assembly with the recommendation that it be considered by the legal experts in the Sixth Committee.

The European Union believes the discussion about universal jurisdiction is first and foremost a legal subject that rightly belongs in the Sixth Committee. We therefore look forward to discussing during this session the draft decision as set out in annex II of document A/63/237/Rev.1.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

Mr. Chandra (Sri Lanka): My delegation appreciates the President's initiative in convening this debate. We take note of the report of the Secretary-General (A/63/677), which contains a useful analysis of the various derivatives of paragraphs 138 and 139 of the Outcome Document adopted at the Millennium Summit in 2005 (resolution 60/1). We share the Secretary-General's prudent view that, given the range of views on the subject, further consideration of issues rather than any action is all that the General Assembly can do at this stage on this complex question.

It is also noted that while there has been significant forward movement in seeking to implement the responsibility to protect (R2P), we have made insufficient progress in implementing other equally important provisions of the Outcome Document, such as addressing challenges posed by terrorism, combating transnational crime, tackling climate change and achieving the Millennium Development Goals (MDGs).

Most of these issues are related in many ways to the issue we are discussing today. We therefore share the concerns expressed by the Chair of the Non-Aligned Movement and believe that the General Assembly should clarify all the issues involved first, with a view to developing common ground for implementation action so that any simplistic or loosely selective application of the R2P notion is avoided and discouraged.

In fact, R2P addresses specific issues of State responsibility towards civilians in relation to the four crimes and focuses on preventive measures in this regard. However, these are very broad areas, and it is therefore important for us to clearly define what the triggers for R2P are. Many Member States are particularly sensitive to the way in which this new intervention is to be operationalized. This is born out of the historical experience of many countries that have emerged from centuries of colonial rule.

The thoughtful concept paper by the President of the Assembly takes note of this aspect cogently. These concerns also arise primarily because the focus of R2P is on the internal issues of States and therefore collides with the very basis of the Charter-based international system and its core elements of national sovereignty. As the Secretary-General has pointed out in his report,

> "the worst human tragedies of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor, medium-income and relatively affluent countries". (*A/63/677, para. 6*)

But the issue that arises is that, too often, the finger has been pointed in one direction. A balanced approach is therefore called for. At the summit meeting of the Non-Aligned Movement held in Egypt, the vast majority of the United Nations membership accordingly cautioned all of us to proceed with due attention, bearing in mind the principles of the Charter, especially respect for the sovereignty and territorial integrity of States, non-selectivity, non-interference in the internal affairs of States and respect for fundamental human rights.

A key question is: Who will define a particular situation and determine that it is a candidate for preventive or reactive intervention? How do we define its scope? Given the very broad categorization, there is a need to be clear about its application, in order to allay existing misconceptions about its possible loose misapplication. Is counter-terrorism action to save civilians from a terrorist human shield or a counter-drug-cartel operation to save regional governance a candidate for R2P? How does one select the candidate situation? Who gathers early warning intelligence? What are the means of ensuring that institutional, ideological or even personal prejudices do not creep into early warning analysis, conclusions and recommendations?

We recognize, however, that the provisions in paragraphs 138 and 139 of the Outcome Document are based on and reconfirm pre-existing international norms flowing from the relevant conventions. In fact, we all know that regional groups such as the African Union have already put in place mechanisms to address similar issues. We must therefore seek to encourage those regional initiatives and not undermine them in any way. We should in fact encourage more involvement at the regional level, where there is

greater sensitivity and understanding of the local complexities and therefore greater acceptance all around, facilitating chances of greater success in conflict containment and resolution.

The concept of R2P, once fully debated, clarified and agreed, can be a valuable consensus. However, its application will have to be predicated upon region-specific context and situations, bearing in mind that every region has its own special features and requirements on the basis of history, culture and value systems.

We recognize the useful analysis of the three pillars set out in the report, addressing the four crimes in focus. A key to operationalizing R2P will be devising an acceptable approach to defining the parameters within the categorization where R2P will be applied. It is also pertinent to say that any attempt to broaden the agenda or to legislate for all eventualities in an R2P context would only help to fan existing concerns, whether real or misplaced.

We therefore need to recognize that the State is the cornerstone of R2P. It is only if a State manifestly demonstrates that it is unable to exercise that responsibility and cannot meet its obligations under international law that the international community should assist, with the consent of the democratically elected Government, and play a complementary role.

The Outcome Document refers to diplomatic, humanitarian and other peaceful means. This includes strengthening the capacity of States through economic assistance, rule of law reform, the building of institutions and acts of facilitation when requested. A careful reading of paragraphs 138 and 139 makes it clear that they are not the same as Chapter VII of the Charter, and that there is no automatic trigger for intervention by citing threats to international peace and security. In order to succeed, R2P should be approached as a concept aimed at promoting cooperation for peace and prosperity through consensual preventive measures.

We recognize some of the practical ideas brought out by the Secretary-General to ensure that we give effect to international norms and standards through national legislation, strengthen region-to-region learning processes, create public awareness and lay emphasis on the international responsibility to adhere to these standards. These are good practical measures. As a country that faced the threat of terrorism for nearly three decades, we know from our experience how, for instance, terrorism debases the traditional ethics on which States and societies are founded and seeks to put asunder well-established norms and democratically elected institutions of governance, thereby challenging basic rights and fundamental freedoms long enjoyed by all our people.

Although the three-pillar equation is cogently set out in the report, the possible modalities for implementation and the criteria for non-selective identification of candidate situations could bring about difficult policy choices that the General Assembly should clarify through further deliberations.

There may be situations in which the democratically elected Government of a State seeks to exercise its primary R2P to save its people from a massive hostage situation created by a terrorist group for bargaining purposes by the decisive use of legitimate force. This very action could sometimes be perceived as a potential situation for an R2P intervention, whether preventive or reactive, whereas, ironically, the terrorist action that was the source of the problem should have been the candidate for preventive action.

It is, therefore, of fundamental importance that the elements of the way forward flagged by the Secretary-General should first be examined in greater detail so as to define procedures or instrumentalities that will facilitate consensual partnerships rather than coercive or prescriptive partnerships. It is also important for all Member States to consider whether efforts in this area should be under the oversight of the Secretariat or be under some intergovernmental mechanism.

Member States that have concerns about the operationalization of the Outcome Document do not have a negative attitude towards the concept of R2P. The exercise of R2P is a fundamental obligation of governance, whether at the national, regional or international level. Equally, the misapplication of the concept runs the risk of eroding its credibility and efficacy. As Jorge Heine of the Centre for International Governance Innovation has noted, the concept of R2P is

> "one of the most exciting and innovative notions in international relations and international law today. It has triggered resistance in many countries of the global South precisely because of its potential for misapplication".

The debate on the way forward should therefore eliminate or at least minimize as much as possible any possibilities for such misapplications, as it will be seen not as an exercise in R2P but as an inclination to intervene.

In today's interdependent world, responsible sovereignty must also apply to key issues such as the prohibition of the use of nuclear weapons and other weapons of mass destruction, nuclear disarmament, non-proliferation, counter-terrorism, global warming, biological security and economic prosperity.

These issues pose as great a challenge to the international community's R2P capacity as the four crimes identified in the report. Millions of lives are at stake due to the actions or doctrines of some States that have contributed to the menace of weapons of mass destruction, increasing temperatures on our planet and unwillingness to comply with the international protocols ratified by most States. Reckless doctrines postulating the utility of nuclear weapons promote the global spread and renewal of nuclear weapons, even when the cold war rationale, if there ever was one, has ceased to exist.

These issues have been kept out of the present scope of R2P, but they become relevant to the larger issue of the responsible exercise of sovereignty that needs to be factored in to understand the challenges that States are confronted with while, at the same time, being cognizant of their international obligations. It is important that we freely discuss those issues here in the Assembly and ask ourselves whether R2P can be applied fairly.

The mechanisms for implementing R2P also need to be agreed upon, and that will depend on the confidence that Member States have in endorsing them. We believe that the General Assembly is the central body at the global level to debate, clarify and agree on a way forward before we begin to make progress on modalities to implement this concept, entailing broader participation.

Mr. Davies (Sierra Leone): Let me start by thanking the President of the General Assembly for bringing us together to consider the issue of the responsibility to protect (R2P). The debate on this issue is of paramount importance to my delegation and, in that regard, I would also like to express my delegation's gratitude to the Secretary-General for his report, contained in document A/63/677. Clearly, this first-ever report on the implementation of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), adopted in September 2005, is, in the view of my delegation, very profound and instructive, and thus provides a sound basis for the comprehensive consideration of the very important subject before us.

By the same token, my sincere appreciation goes to the four distinguished panellists in our informal dialogue on 23 July, whose insights were not only very helpful, but also thought-provoking. They have certainly set the stage for a constructive scheme for galvanizing our thoughts and perspectives on this issue, with a view to clarifying all grey areas and to defining common ground to ensure adherence to, and the universal application of, the responsibility of States to individually and collectively protect populations against mass atrocity crimes, such as genocide, ethnic cleansing, war crimes and crimes against humanity.

Indeed, my delegation's position on the issue of the responsibility to protect is very clear. It is grounded in both our national experience and our continental stand on the principle. As a nation that barely stepped back from the brink of collapse into a failed State as a result of the rebellion led by the Revolutionary United Front (RUF) rebellion, which also had an international dimension, we are determined to ensure that the atrocities, devastation and pillage that affected us for almost 11 years should henceforth not be allowed to be a predicament for any member of the international community.

Our survival could not have materialized without the support and commitment of, and sacrifices by, the international community, notably the Economic Community of West African States, the African Union (AU), the Commonwealth and the United Nations, including bilateral partners such as the United Kingdom and Nigeria, among others, to restore sanity and to bring to an end the humanitarian situation caused by the terrible crimes committed against hapless civilians throughout the country.

Perhaps one of the telling moments that inspired the foresight of the former Canadian Foreign Minister, Lloyd Axworthy, to seek to convene an independent International Commission on Intervention and State Sovereignty, with a view to developing normative standards around States' responsibility to protect civilian populations against genocide, ethnic cleansing,

war crimes and crimes against humanity, was his visit to the amputee camp at Murray Town, in the west end of Freetown, in April 2000.

I was present during that visit in my then capacity as Deputy Chief of Protocol and can confirm that he, like everyone who joined him on that visit, was visibly shaken by the sight of a young suckling mother of eight children, both of whose legs had been savagely amputated thigh-high, along with both arms. The gruelling fate of that lady and several thousands more amputee compatriots and more than half a generation of the nation's children abducted from schools to become killing machines and sex slaves leaves us with no option but to join the campaign of "never again" and to fight impunity whenever mass atrocity crimes are being perpetrated.

The ongoing trial at the Special Court for Sierra Leone involving the former President of Liberia for his alleged role in perpetuating the carnage, as well as the trials of the commanders of the civil defence militia who supported the return of the democratically elected Government of former President Ahmad Tejan Kabbah and the rebel RUF for serious violations of international humanitarian law, are being conducted in that regard.

In the interest of time, I will spare this body from boredom by not reiterating the shift from the Organization of African Unity policy of non-interference in the internal affairs of other member States to the principle of its successor, the African Union, of non-indifference with respect to grave atrocities, such as war crimes, genocide and crimes against humanity, captured in article 4 (h) of its Constitutive Act. It is needless to emphasize that that development preceded the adoption of the World Summit Outcome Document (resolution 60/1) by five years.

Consequently, the Secretary-General, as in previous reports, including the one under review (A/63/677), acknowledged that bold step by the African Union and has constantly called for the effort to be enhanced and supported. Thus, the full and speedy implementation of General Assembly resolutions on cooperation between the African Union and the United Nations will undoubtedly enhance the implementation of the R2P principle at the regional and subregional levels. Well established and well developed mechanisms, such as the Peace and Security Council, to advise on the parameters for intervention, as well as the Continental Early Warning System, the AU consultative Panel of the Wise and the building of a 15,000-to-20,000-strong African Standby Force, are the most effective ways of enhancing the continent's capacity to address African problems at the subregional level.

It is in that respect that my delegation warmly salutes Mr. D'Escoto Brockmann's bold decision to introduce and include this item on the agenda and thus to afford the General Assembly this maiden opportunity for Member States to engage in intensive debate on this issue since its adoption in 2005. This was long overdue, but better late than never.

The Secretary-General's report clearly outlines the three pillars that underlie the principle of the responsibility to protect, namely, the protection responsibilities of the State, international assistance and capacity-building and timely and decisive response. At the core of this principle is the commitment of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and from their incitement, along with the commitment of the international community to assist through building and enhancing the capacity of those States that are not meeting their obligations. It further prescribes the collective obligation to ensure a timely and decisive response when States are unable or unwilling to provide such protection.

History being replete with a promise of commitment to "never again", we believe that such occurrences should be addressed by a solid commitment to promoting and advancing preventive measures at both the national and the international levels, instead of waiting to apply pillar three when the situation gets out of hand.

In most cases, non-State actors commit these atrocities, especially where States are saddled with serious social and economic crises. How else could the United Nations question its own raison d'être and Charter obligation in addressing these circumstances? Clearly there must have been some unwarranted enthusiasm to fast-track the process, leading to genuine apprehension. Certainly, lessons are being learned. The truth, however, is that there is a consensus ad idem on our definition of the four elements.

In conclusion, it is the view of my delegation that the fears and reservations so clearly articulated on the

third pillar, justified though they may be, could be resolved by putting proper guidance and modalities in place, buttressed by the institutional reform of the United Nations advocated by our world leaders in 2005, which we believe will make it user-friendly. Declaring Sierra Leone to be one of the friends of R2P can be fully explained by the country's experience, and we are extremely grateful to the international community for their timely intervention.

Mr. Wolfe (Jamaica): I have the honour to speak on behalf of the 14 States members of the Caribbean Community (CARICOM), namely, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and my own country, Jamaica. The States members of CARICOM associate themselves with the statement delivered by the representative of Egypt on behalf of the Non-Aligned Movement.

CARICOM expresses its appreciation to the Secretary-General for his report on the implementation of the responsibility to protect (R2P), which is contained in document A/63/677. The report, which has been produced pursuant to paragraphs 138 to 140 of the 2005 World Summit Outcome Document (resolution 60/1), offers a clear and useful elaboration of the concept of R2P and possible proposals for continued discussion and follow-up action.

It should be recalled that one of the major purposes of the creation of the United Nations was to save succeeding generations from the scourge of war, which had ravaged populations around the world, primarily between 1939 and 1945. Regrettably, after more than 60 years, the international community still has to grapple with the consequences of that scourge, which is still with us, as witnessed in Kosovo, Rwanda and Srebrenica. While in recent times the debilitating results of conflicts have been experienced less in inter-State wars, the United Nations must seek every possible way to confront intra-State conflicts and prevent their escalation into large-scale atrocities.

It should not be forgotten that it was only towards the end of the twentieth century that the odious system of apartheid and institutionalized racism was declared a crime against humanity by the United Nations and subsequently brought to an unceremonious end.

Due to our historical links with slavery and the transatlantic slave trade and our natural kinship with the people of the African continent, many of whom lost their lives as a result of genocide, ethnic cleansing and other mass atrocities, CARICOM naturally supports any action that seeks to galvanize efforts towards saving and protecting human life.

The 2005 World Summit was an occasion on which the leaders of the world engaged in a review of the Organization with a view to its reform, to enable it to become more relevant and effective in assisting nations in addressing the key global issues of peace, security and development. This included a reflection on the inability of the Organization to save human lives. And on that occasion, leaders resolved that they would seek to prevent such atrocities in the future.

The thematic debate in which we are currently engaged is important, given the implications of R2P for the United Nations Charter, international humanitarian law and international law more generally, especially as this relates to State sovereignty and non-interference in the internal affairs of States, issues that are undergoing careful consideration in many of the capitals of States members of this body, even as we seek to buttress international consensus around the concept.

On the specific contents of the report, let me reiterate first and foremost that CARICOM supports the view, previously expressed by a number of other States, that the scope of R2P should be confined to the four crimes agreed by world leaders in 2005, namely, genocide, war crimes, ethnic cleansing and crimes against humanity.

Pillars one and two represent general principles around which the international community, including CARICOM, can reach consensus. CARICOM member States are guided by the fundamental principle that all States have an inherent obligation to promote, protect and enhance the fundamental rights of all their citizens. While emphasizing this point, we are also fully cognizant of certain historical and political developments that resulted in deep divisions that continue to plague many societies today. It is in this regard that we agree with the Secretary-General that prevention is a key element for a successful R2P strategy, and we believe that greater international engagement can be critical in signalling situations that could develop into such serious crimes.

The General Assembly, through its various mandates, has committed itself to promoting capacity-building. While we appreciate and applaud some of the efforts and initiatives being undertaken by a number of agencies within the United Nations system, a much more coherent, focused and intensive approach is required by the Secretariat, international agencies and institutions, in building such capacity and facilitating the implementation of mandates.

With respect to pillar three, which underlines the responsibility of Member States to respond collectively in cases where any of the four R2P crimes are being committed or are at risk of being committed, any use of military force should be an act of absolute last resort for this Organization; all peaceful means at the disposal of the Secretary-General and the Organization should be fully and comprehensively utilized.

Close scrutiny of pillar three has given rise to several questions, including: At what stage and under which circumstances will the Security Council be authorized to take action under Chapter VII of the Charter, including authorizing the use of force? There has to be uniform application of whatever principles are developed in order to avoid selectivity and unfair treatment of any particular Member State. While under Article 24 of the Charter the Security Council acts on behalf of the General Assembly, would it be subject to guidance from the Assembly in cases where the Council acts under Chapter VII?

How can we guarantee that the Security Council will refrain from the use of the veto and will not be stymied into inaction in future cases where crimes of genocide, ethnic cleansing, war crimes and crimes against humanity have occurred, are occurring or are on the brink of occurring? This is one area where urgent reform of the Security Council is required and around which virtual unanimity exists.

Indeed, CARICOM countries believe that a reformed Security Council is an important precondition for the implementation of pillar three. In our view, this will help to build confidence, on the part of all Member States and the wider international community, that the Security Council will be the type of impartial body that would be required to play an important role in the implementation of R2P.

In closing, CARICOM member States wish to underline that, notwithstanding our current efforts to achieve consensus around the concept of R2P, existing international law bestows on all of us the responsibility to prevent the crime of genocide, war crimes, ethnic cleansing and other mass atrocities from befalling the peoples of the world. As we seek to move forward on R2P, let us also renew our commitments to these binding principles.

Mr. Minn (Myanmar): At the outset, my delegation wishes to thank the Secretary-General for his report on implementing the responsibility to protect (R2P) (A/63/677). Taken together with his presentation at our 96th meeting, on 21 July, his report outlines the scope of the specific activities that may need to be discussed during the debate. We are confident that effective prevention of or response to genocide, war crimes, ethnic cleansing and crimes against humanity can thereby be ensured.

The concept of the responsibility to protect originated in tragedies that occurred throughout the world after the Second World War. Those tragedies occurred in States whose Governments failed to fulfil the obligation to protect their own people. Therefore, at the 2005 World Summit, world leaders agreed that when a State is manifestly failing to protect its own citizens, the international community must act to halt or prevent such atrocities. They also agreed that that is a collective obligation, not an individual right to act, and that the obligation is not to intervene, but rather to take timely and decisive steps to save human lives when such atrocities have occurred. It was envisaged that the international community is obligated to act in the event of four specific crimes and violations. In accordance with the leaders' decision in 2005, that obligation does not apply to other calamities, such as HIV/AIDS, climate change or the response to natural disasters.

The Secretary-General rightly noted in his report and in his presentation that R2P has a clearly delimited scope. The norm cannot be used to address all social ills, but rather is narrowly focused on the prevention of the four specific crimes and violations. While prevention is at the heart of the R2P concept, States may invoke R2P as a rationale for the intervention of the international community when prevention fails. Thus, the Secretary-General suggested in his report that the General Assembly focus on ways to develop the strategy for implementing R2P, defining what should and should not be protected. In that context, my delegation wishes to express our view that the General Assembly is indeed the right venue for such a dialogue.

Finally, in his report the Secretary-General underscores that all Member States that are serious about preventing atrocities should avoid any effort to renegotiate a text already agreed by world leaders in 2005. Therefore, my delegation would like to state that we fully agree with the Secretary-General that it is now important that the General Assembly consider proposals and determine how the United Nations can fulfil the commitments made by world leaders in 2005.

Mr. Tašovski (The former Yugoslav Republic of Macedonia): At the outset, I would like to thank the President of the General Assembly for convening this meeting on the responsibility to protect (R2P). I would also like to thank the Secretary-General for presenting his report on implementing the responsibility to protect (A/63/677) and to welcome this timely debate as a first step in commencing a dialogue on that topic in the General Assembly.

My country aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union.

The unanimous endorsement of the responsibility to protect was hailed as one of the most important achievements of the 2005 World Summit. In order to address the most serious crimes, the international community made a reinforced commitment to prevent or halt genocide, war crimes and crimes against humanity and ethnic cleansing. In that regard, I take this opportunity to reaffirm the support for the concept reflected in paragraphs 138 and 139 of the World Summit Outcome Document (resolution 60/1).

Over the past three years, a number of actions have been taken by Governments, the United Nations and international, regional and non-governmental organizations in support of the responsibility to protect. Yet much remains to be done. In that regard, I would like to commend the first report of the Secretary-General on implementing the responsibility to protect (A/63/677), which outlines the conceptual framework for and a three-pillar approach to implementing R2P, comprising the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response. My Government considers the report to be balanced and pragmatic and therefore supports the three-pillar approach as outlined. We agree that the focus should now be on its operationalization and the implementation of its recommendations.

My Government is ready to contribute to the efforts that lie ahead. We are prepared to implement national capacities and policies critical to the implementation of R2P, which applies specifically to genocide, war crimes, ethnic cleansing and crimes against humanity. At the same time, we recognize that R2P is derived from the positive notion of "sovereignty as responsibility", which enhances sovereignty by acknowledging that we, as Governments, have humanitarian, human rights and other obligations under international law to protect populations from grave crimes.

Furthermore, we consider prevention to be a critical component of R2P. In that regard, capacity-building should be a key element. However, in cases in which prevention efforts fail, the international community should ensure an early and flexible response, not through graduated measures, but through collective action to be taken by the Security Council in accordance with Chapter VII of the United Nations Charter.

We believe that the General Assembly should continue to make important contributions in order to make further progress in the pursuit of international peace and security. Looking forward, we must strengthen the international machinery and our own national will to ensure that the failures to protect in recent decades will not be repeated.

By adopting the right to protect, all of us have accepted a new tool for peace. It is time to put that tool to use and to attain the first objectives set out in the Preamble of the United Nations Charter.

Mr. Mlynár (Slovakia): At the outset, I would like to express my delegation's appreciation for the convening of this General Assembly debate on the first report of the Secretary-General on implementing the responsibility to protect (A/63/677). This debate is very important and timely.

My statement fully associates itself with the statement delivered earlier by the Permanent Representative of Sweden on behalf of the European Union. We would like to contribute to this debate by making a few additional key points in our national capacity.

The responsibility to protect is one of the most important achievements of the 2005 World Summit. Slovakia is among the strong supporters of the

responsibility to protect as an important principle seeking to ensure that Member States and the international community never again fail to protect human beings from the worst crimes: genocide, war crimes, ethnic cleansing and crimes against humanity.

In that context, we very much welcome the Secretary-General's report, which we consider an excellent basis for our further work, as it provides a clear focus and suggests meaningful and achievable goals. We believe that not enough has been done so far — including since 2005 — in promoting and enhancing the concept of the responsibility to protect. Four years after our leaders unanimously endorsed the concept, we need to redouble our efforts in order to achieve tangible results related to all three pillars as described in the report.

Even though the core underlying idea that States have an obligation to protect men, women and children from the worst atrocities is well established in international human rights and humanitarian law, the international community, through the concept of the responsibility to protect, accepted for the first time the collective responsibility to act should States fail to protect civilians from mass-atrocity crimes.

Slovakia is fully committed to all three pillars of the implementation of the responsibility to protect and attaches equal importance to all of them. The primary responsibility for protecting their populations lies with States. States should receive assistance, as necessary, from the international community to ensure that they can fulfil their responsibility. But if States are manifestly failing to protect their populations from the four types of crimes, the international community must act in a timely and effective manner.

We look forward to continuing to work together with all other Member States on practical steps that the United Nations can take, in particular in operationalizing and implementing the responsibility to protect in relation to the three pillars at the national, regional and international levels.

Slovakia has always been supportive of the inclusion of references to the responsibility to protect in all relevant decisions of United Nations organs, including during our membership in the Security Council in 2006 and 2007. Systematic, flagrant and widespread violations of international humanitarian law and international humanitarian rights law require our constant attention. This also includes the incitement of genocide, crimes against humanity, ethnic cleansing and war crimes, which should be referred to the International Criminal Court under the Rome Statute.

In addition, we need to make appropriate use of all existing United Nations mechanisms and legal instruments, including the Human Rights Council, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Special Adviser on the Prevention of Genocide. All of them have important roles to play in the overall implementation of the responsibility to protect.

Slovakia feels very strongly about the importance of prevention and early warning, as well as of timely and effective crisis management. In that context, we very much welcome the recent efforts within the United Nations system to strengthen and enhance its capacities in such areas as preventive diplomacy, mediation, the pacific settlement of disputes and the good offices of the Secretary-General. We ourselves are actively engaged in those areas, nationally and as a member State of the European Union, and we will continue to support the United Nations Secretariat in those crucial endeavours.

With regard to crisis management, post-conflict reconstruction and stabilization efforts, as well as institution-building and good governance, security sector reform (SSR) comes to mind as a crucial component of those processes. As the initiator and chair of the United Nations Group of Friends on security sector reform, Slovakia remains committed to promoting further capacity-building for SSR within the United Nations system in order to enable it to respond in a timely and effective manner to the needs of Member States in that important area. The Group of Friends will continue to serve as an important interface between Member States and the United Nations system, represented by the United Nations inter-agency Security Sector Reform Task Force.

We are also committed to further promoting close cooperation and effective partnerships between the United Nations and its regional and subregional partners, in particular the African Union and the European Union, in accordance with Chapter VIII of the United Nations Charter. The Organization's regional and subregional partners have at their disposal unique experience related to their regions, their capacities and their legitimacy. The efforts of the

United Nations and of regional and subregional organizations should be mutually reinforcing and well coordinated.

Slovakia will continue working with other Member States to that end, consistently and tirelessly. As has already been stated by many previous speakers, our common goal should be to ensure that genocide, war crimes, ethnic cleansing and crimes against humanity never occur again. We owe it to the victims and survivors of the Holocaust, Cambodia, Rwanda and Srebrenica to do so.

Mr. Al Habib (Islamic Republic of Iran): My delegation would like to express its appreciation to the President of the General Assembly for having convened this thematic debate on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We believe it is necessary to continue to consider this complicated issue and its implications, bearing in mind the principles of the Charter and international law, as expressed in paragraph 139 of the 2005 World Summit Outcome Document (resolution 60/1). Our appreciation goes also to the Secretary-General for introducing his report (A/63/677) at our 96th meeting, on 21 July 2009. Let me also recognize the well-thought-out concept paper on the responsibility to protect distributed by the President of the General Assembly.

My delegation supports the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

I would like to state that the Islamic Republic of Iran fully shares the sentiment that the international community must be vigilant lest the horrors of the mass killings and genocide of the past be repeated in the future. That is a message clearly expressed by world leaders in 2005, as documented in the World Summit Outcome Document.

While there is still a lot to be discussed and clarified about the very notion of the responsibility to protect and its definition, limits, scope and possible implications, examining this abstract concept in practical terms may put it in better perspective and help to make it more concrete. Hence, discussions of the Secretary-General's report should not be divorced from discussions of the concept itself and its political and legal implications. After all, looking forward should not prevent us from looking back and reminding ourselves of the lessons of history.

Having said that, my delegation would like to make a few preliminary observations concerning the notion of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

First, it goes without saying that it is the obligation and prerogative of any State to defend its own people against aggression and protect them from genocide, war crimes, ethnic cleansing and crimes against humanity. Every State will embrace this responsibility. Other States or the international community at large may step in to help upon request on a case-by-case basis and through the United Nations. This by no means whatsoever may imply permission to use force against another State under any pretext, such as humanitarian intervention. Any attempt to pseudo-legalize such forms of intervention would seriously undermine the well-established principles of international law and pave the way for all manner of politically motivated interventions in other countries under the guise of humanitarian intervention. In fact, the controversy is centred on the implied authorization of the use of force that this notion entails. I am sure that no one would like to turn the clock back to the time when theories of just war prevailed.

Secondly, the Charter of the United Nations is explicitly clear on the general prohibition of the threat or use of force in international relations between States, as embodied in paragraph 4 of Article 2 of the Charter. Self-defence against prior armed attack, as recognized under Article 51 of the Charter, is the only exception to this general peremptory rule of international law.

The Security Council can take action, too, in accordance with the purposes and principles of the Charter, when it determines a threat to international peace and security, a breach of the peace or an act of aggression. The World Summit itself reaffirmed in paragraph 79 of the Outcome that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security. The Summit, then, granted no new right of intervention to individual States or regional alliances on any grounds.

Decades before that, the International Court of Justice had warned against such interventionist policies, when in a unanimous vote in 1949, it articulated that:

> "The Court can only regard the alleged right of intervention as the manifestation of a policy of force, such as has, in the past, given rise to most serious abuses and such as cannot, whatever be the defects in international organization, find a place in international law ... From the nature of things, [intervention] would be reserved for the most powerful States, and might easily lead to perverting the administration of justice itself." (*International Court of Justice, The Corfu Channel Case, Merits, judgment of 9 April 1949, page 35*)

Thirdly, the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as a humanitarian notion should not, then, be misused or indeed abused to erode the principle of sovereignty and undermine the territorial integrity and political independence of States or intervene in their internal affairs. States need to be highly alert against any ad hoc interpretation of this rather vague notion to destabilize the Charter-sanctioned principles of international law, particularly respect for the sovereignty, territorial integrity and political independence of States and the principle of non-use of force in international relations and non-interference.

The Secretary-General himself acknowledges the danger of misusing this notion for inappropriate purposes. That authenticates the concern of many Member States that have long warned against political manipulation of new and loose concepts, as well as against selective application and double standards in invoking them.

Fourthly, there is no illusion that tragic cases of genocide, crimes against humanity and outrageous acts of aggression have been left unanswered not because of a lack of empowering legal norms, but simply due to a lack of political will dictated by power politics — that is, political and strategic considerations — on the part of certain major Powers permanently seated in the Security Council. We experienced the bitter consequences of the United Nations failure to stop the aggressor during the eight years of war imposed by Saddam's regime. We have also witnessed the repeated failure of the Council to live up to its responsibility and to take appropriate action against the Israeli regime's continuous aggression and mass atrocities in the occupied Palestinian territories and in neighbouring countries.

Fifthly, therefore, the key to preventing and suppressing such grave crimes in the future would be to faithfully implement the United Nations Charter, avoid selectivity and double standards, and accelerate the reform process with the aim of remedying the deficiencies that have resulted in the failure of the whole United Nations system to act where action was needed. It would simply be a distortion of the truth to blame the principle of sovereignty for the inaction or dysfunction of the United Nations system.

Sixthly, we fully agree with the many delegations that stressed that the notion of the responsibility to protect must be limited to the four grave crimes identified in paragraphs 138 and 139 of the 2005 World Summit Outcome, subject to the terms and qualifications identified and laid out therein. Any attempt to apply this notion to other situations would only render it more complicated and blurred. Needless to say, paragraphs 138 and 139 should be read and understood in the context of the Document in its totality. Here, I would like to also highlight the imperative of identifying and addressing the wide range of economic and political root causes that underlie or contribute to mass atrocities. Aggression and foreign occupation, foreign interference and meddling, poverty, underdevelopment and exclusion are among the main such causes, to name a few.

Finally, we support the continuation of the General Assembly's dialogue on the responsibility to protect in a transparent and inclusive manner in order to address the concerns and questions concerning this notion and its implications.

Mr. Margelov (Russian Federation) (*spoke in Russian*): I would like to thank the Secretary-General for his contribution to the consideration of the conceptual basis of the responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and for his report on this subject, entitled "Implementing the responsibility to protect" (A/63/677). Drafting such an important document on that issue undoubtedly called not only for significant intellectual effort, but also for a degree of courage, because we are talking here about one of the most important issues of our time, on which there is quite a broad diversity of opinion.

The Russian Federation advocates pursuing comprehensive work on the concept of the responsibility to protect. In that regard, we are guided

first and foremost by the provisions of the relevant paragraph of the 2005 World Summit Outcome (resolution 60/1). In our view, it is very clear and plain. Its wording is in line with the provisions of the United Nations Charter and other norms and principles of international law.

We believe that the initial responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity lies with States. States should constantly strengthen and expand their own means to uphold that responsibility. We agree with the Secretary-General's opinion on the importance of States' "self-reflection" in that area.

In our opinion, the role of international community should, in the first instance, focus on providing comprehensive assistance to States in strengthening their own capacity and on preventive diplomacy. In that context, we support the mission of the Special Adviser to the Secretary-General on the Prevention of Genocide. We agree that timely reaction on the part of the United Nations can help to avert mass loss of life.

As regards the situation when peaceful means prove to be inadequate and the State is manifestly not in a position to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, any intervention by the international community should be of an exceptional nature and fully compliant with international law, in particular the United Nations Charter.

The concept of the responsibility to protect has enormous potential for change. Its development and implementation could significantly shape key trends that will determine the future of the entire system of international relations and the international rule of law. That is precisely why we are convinced that we should be measured and cautious in addressing any idea regarding implementation of the authoritative and relevant ideas of the 2005 World Summit Outcome document on the responsibility to protect. We warn against taking rash and hasty steps to apply that idea arbitrarily to specific countries and against interpreting it too broadly. That is not only counterproductive, but also dangerous in terms of harnessing international efforts to promote international peace and security.

The Secretary-General's proposals on instruments and procedures to implement the responsibility to protect are of interest. However, in our opinion, the conditions for turning those ideas into practical mechanisms and institutions have not yet been met. We consider that the proposed strategy for implementing the responsibility to protect should focus on broad recognition of that concept in clear and understandable terms. However, such recognition does not seem possible to us without further in-depth work on its main elements in the light of the principles and purposes of the United Nations Charter. An important step in that area was taken with the approval of paragraphs 138, 139 and 140 of the 2005 World Summit Outcome. However, that work is far from complete.

Today's outline on the responsibility to protect has been formulated within the United Nations. We believe that the Organization should remain the central forum for discussing this issue.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): The delegation of Nicaragua endorses the statement made by the representative of Egypt on behalf of the Non-Aligned Movement (see A/63/PV.97). We thank the President of the General Assembly for having convened this meeting.

As we all know, as a result of inter-ethnic conflicts that led to genocide and ethnic cleansing in certain places in the world, circumstances began to emerge in favour of the possibility of framing what has come to be called the responsibility to protect.

At the 2005 Summit, the heads of State and Government committed themselves once again to protecting the interests and rights of their citizens, emphasizing the need for the General Assembly to continue considering the responsibility to protect populations that are or could be victims of genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the principles of the Charter and international law. It is very clear that there is no legally binding obligation and that the General Assembly will be the body entrusted with developing and drawing up a legal basis, by virtue of its responsibility under the Charter.

The responsibility to protect is a very new topic, acknowledged by Member States only so that they might continue discussing it. It was introduced as a concept, and the topic will have to go on being discussed until consensus among Member States is reached.

The delegation of Nicaragua reaffirms the principles of the United Nations Charter, the most important and universal instrument. Developing the concept that we are discussing today must be considered more carefully since, as was established in the 2005 Outcome document (resolution 60/1) and the report of the Secretary-General before us (A/63/677), it could easily become a right to intervene, the consequences of which we small countries have suffered on several occasions. History has much to teach us in that regard, and anyone who tries to deny history could have other intentions.

The concept in its current iteration is ambiguous and easily manipulated, set out in a single resolution of the General Assembly whose legal force is that of a recommendation under Article 10 of the Charter. The concept, which allows for the possibility of the use of force, could run counter to well-established principles in the Charter, such as non-intervention in the internal affairs of States and the non-use of force in international relations. We wonder how to view the claim that there is a right to the responsibility to protect and to delegate the authority of implementing it to the Security Council — in other words, to the five permanent member States.

Genuine and interdependent economic cooperation in an enabling international environment can do more to avert situations of genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, urgent reform of the international economic environment is needed, starting with the Bretton Woods institutions.

For my country, the general principles of the responsibility to protect agreed in 2005 are not controversial. What concerns us is how to interpret those principles and their potentially selective implementation. The concept cannot be placed above the sovereignty of States or the United Nations Charter. Relevant organs, such as the Human Rights Council and the Peacebuilding Commission, already exist, and we believe that they must be strengthened in that regard.

Mr. Pálsson (Iceland): The elements of the concept of the responsibility to protect (R2P) may be neither new nor original, but the acknowledgement by world leaders in 2005 that they had a responsibility to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity certainly did mark a new departure for the United Nations.

Four years on, the time has come to start making good on the commitments undertaken at the Summit. Therefore, I take this opportunity to thank the Secretary-General for his timely and well-balanced report (A/63/677) and fully subscribe to his view that our task now is not to renegotiate the conclusions of the World Summit, but to look for ways of implementing its decisions in a truthful and consistent manner.

The three-pillar approach laid out by the Secretary-General is clearly derived from the provisions of the World Summit Outcome (resolution 60/1) and provides the right framework for our ongoing work.

The first pillar, the sovereign responsibility of the State to protect its populations from the four identified kinds of atrocities, is the very foundation of R2P, emphasizing as it does the indisputable principle of State sovereignty while also highlighting that State sovereignty entails responsibility. The second pillar is similarly paramount, as it addresses the commitment of the international community to providing assistance to States in fulfilling their basic obligations in safeguarding their populations. Both pillars underscore the importance of prevention as an element of R2P, going hand in hand with early warning and assessment.

As is emphasized by the Secretary-General in his report, peaceful means should always be the preferred course of action, and coercive measures, particularly those undertaken under Chapter VII of the United Nations Charter, should remain an option of last resort. Hence, the third pillar delineates the responsibility of the international community to act in a timely and decisive manner, in accordance with the Charter, on a case-by-case basis and in cooperation with relevant regional organizations, if a State is manifestly failing to protect its people from genocide, ethnic cleansing, war crimes and crimes against humanity.

These are substantial qualifiers, but let us at all times bear in mind that the concept of R2P is essentially about saving human lives. It should not become licence for illegitimate or arbitrary interference or aggression. Quite the contrary, R2P must be seen as a means of reinforcing legality in international affairs and as a way of shoring up respect for the international system embodied in the United Nations. For this reason, my delegation fully supports giving the General Assembly a leading role in fashioning an

effective international response to crimes and atrocities relevant to R2P.

Ms. Toutkhalian (Armenia): Armenia welcomes the opportunity to exchange views on concrete steps and means to further strengthen the early warning mechanisms that will enable the international community to react more efficiently to situations that could lead to genocide, war crimes and crimes against humanity. The principles of the prevention of genocide and the responsibility to protect are the key principles that constitute the very essence of this joint endeavour, and the United Nations system has a great opportunity to demonstrate its ability to act in a timely manner to prevent tragedies and destruction.

We welcome the report of the Secretary-General on implementing the responsibility to protect (A/63/677). The report undertakes to chart a course for the United Nations to prevent genocide, war crimes and ethnic cleansing by bolstering the capacities of the Secretary-General's Special Adviser on the Prevention of Genocide and combining his activities with those of his Special Adviser on the Responsibility to Protect. We appreciate the significant work that has already been done in fortifying the capacities of the Special Adviser on the Prevention of Genocide. In particular, we believe that by developing the eight-point framework of analysis, which will help to detect situations that are infused with a dangerous probability of resulting in genocide, the Office of the Special Adviser has taken an important step forward in identifying these universally accepted guiding principles.

Human Rights Council resolution 7/25 is aimed at consolidating the functions of the existing United Nations human rights protection mechanisms for prevention, linking the mandate of the Special Adviser on the Prevention of Genocide with the United Nations human rights system as a whole. It is very important to find the right balance and synergies among these functions and to allow the United Nations system to respond promptly and efficiently to alarming situations.

As rightly stated in the Secretary-General's report, genocide, war crimes and crimes against humanity do not just happen. Prior to undertaking such action, the instigators propagate intolerance and hatred, setting the stage for violence. Some groups of the population are labelled terrorists, secessionists or criminals. Hate speech, the vilification of a certain group in the media, and denials of past genocides and atrocities constitute the ideological part of exclusionary policies. They are inevitably accompanied by the violation of the fundamental rights of the targeted group, such as denial of their freedom of speech, press and assembly and, ultimately, political marginalization. In order to justify their actions, the perpetrators alienate the group by devaluing or demonizing its members.

In this respect, we would like to underline in particular the importance and necessity of training, learning and education programmes, which in our view can contribute significantly to strengthening the State's capacity to protect. We strongly believe that an educational process that employs textbook materials and open dialogue between different groups can help to overcome intolerance, bigotry and exclusion, thus developing a self-correcting mechanism to ease potential tensions.

The international community must be vigilant concerning the development of situations and events where the actual legitimization and institutionalization of genocide and crimes against humanity are starting to take place in a given society. In this regard, as emphasized by many genocide scholars, the position of bystanders is very important. A passive stance on the part of lenient internal and external observers, most often prompted by political expediency in the case of the latter, encourages the perpetrators. Passivity towards policies of denial and revisions of history that tend to demonize the victims is also a contributing factor in the development of genocidal behaviour.

An early and strong reaction by the international community to systematic and egregious violations of human rights, especially of collective rights, and alarms raised by treaty bodies on the reluctance of member States to implement human rights commitments could become a deterrent and inhibit the evolution of a potentially dangerous situation towards genocide, war crimes and crimes against humanity.

In conclusion, I would like to stress that we strongly believe that the responsibility to protect people is one of the cornerstones of the overall human security system. The time has come to take decisive steps to eliminate, once and for all, the very possibility of crimes against humanity.

Mr. Santos (Timor-Leste): At the outset, let me join many other delegations in expressing my deep appreciation to the President of the General Assembly for having convened these plenary meetings on the responsibility to protect (R2P). We also appreciate the informal thematic dialogue held on this issue.

My delegation welcomes the opportunity to discuss the outstanding report of the Secretary-General on how to operationalize and move forward the implementation, within the United Nations, of R2P (A/63/677). Undoubtedly, the report provides an excellent opportunity to reach consensus on the overall direction of its implementation.

We strongly support the three-pillar approach set forth in the Secretary-General's report. It is our conviction that this approach is a step in the right direction, that all three pillars are integral parts of the concept as such and that R2P is a narrow but deep concept requiring the application of a broad range of existing approaches and instruments.

Four years ago, our heads of State or Government unanimously and enduringly adopted R2P. It was one of the most important achievements of the 2005 World Summit and was endorsed by the largest-ever assembly of world leaders.

Within a year, in 2006, my own country was seriously confronted with the question of how to put R2P into practice. A political and security crisis in early 2006 led to widespread ethnic and gang violence, resulting in a number of killings, division and hostility between the police and military, the resignation of the then-Prime Minister, and the displacement of more than 100,000 people. It almost led to the collapse of the State. The turmoil escalated into Timor-Leste's worst violence since 1999, when anti-independence Timorese militias commenced a punitive scorched-earth campaign immediately after the United Nations-supervised referendum on separation from Indonesia.

The Timor-Leste Government called for assistance. An official request for military assistance was sent to the Governments of Australia, New Zealand, Malaysia and Portugal. The international community stepped in and collectively took timely and decisive action by going in and assisting Timor-Leste to quell the violence and thereby protect the population. Most important, it supported Timor-Leste in the exercise of its responsibility to protect its people.

For the Timorese, asking for help from the international community was an exercise in responsible State sovereignty. We did not feel uneasy or have mixed feelings, nor were we apprehensive about its ramifications; we believed — and still believe — in it. The request was jointly made by the State's three major institutions: the President, the Prime Minister and the President of the national parliament. It demonstrated our belief that we had a legal and moral obligation to protect our people and that Timor-Leste alone could not prevent widespread violence.

The intervention was successful. The key was an early and flexible response tailored to the specific needs of Timor-Leste. It was followed by a new, expanded Security Council peacekeeping mission tasked with consolidating stability, enhancing a culture of democratic governance and facilitating dialogue among Timorese stakeholders.

Allow me to turn my attention to the second pillar of R2P, which is the commitment of the international community to assist States. This pillar sets forth the conviction that if the State is willing to implement R2P but lacks the capacity to do so, international assistance can play a critical role. We attach great importance to this pillar and therefore are grateful for the Secretary-General's emphasis on the need to assist States rather than just waiting for them to fail.

In my own country, the international community increased international cooperation and funding in the areas of capacity-building, institution-building, technical assistance in judicial and security sector reform, local mediation and conflict resolution capacities, good governance and rule of law. These were, and are, key areas for strengthening Timor-Leste's ability to protect and for restoring order and confidence. This has helped us to prevent manifest risks from developing and to build State capacity to act before any further possible risk can deteriorate into crisis.

My country has come a long way since the dark days of the 2006 crisis, thanks to the dedicated efforts of our leaders and also to the commitment of all of the social and political forces in the country. We are now in a position where we can address the long-term challenges to ensuring that Timor-Leste is a prosperous, peaceful and democratic nation.

In the three short years since the 2006 crisis, people have regained trust and confidence in the organs

and institutions of the State. Democratic and fair elections were held free of violence. Peace and stability has been consolidated through national dialogue and reconciliation initiatives. The rule of law has been strengthened and a culture of democratic governance has taken root.

Furthermore, in spite of the current worldwide financial and economic crisis, Timor-Leste has not only managed to survive the setbacks it has engendered but our economy has actually grown instead of contracting. We have made real progress and will continue to make progress with the continued support of the United Nations and the international community at large. Their intervention has been a decisive element in our path to peace, security, the realization of human rights and development.

Nevertheless, Timor-Leste would like to recall that success under pillar two takes time, patience and political will. Member States have to be prepared to commit the necessary resources when and where they are needed. Investment in capacity-building, early warning systems and assistance is likely to be infinitely cheaper than paying later for stronger measures, including post-conflict reconstruction. Unfortunately, we believe this idea is something the international community is still much better at talking about than doing.

In addition, Timor-Leste urges the international community to better accept the value to be found in improving and better coordinating our early warning efforts. Our use of and receptivity to information and a more cohesive and comprehensive United Nations approach to this can only enhance our collective prevention efforts.

Our history, including the recent past in 1999 and 2006, shows us that it is our duty and our common responsibility to create a world order where inactivity in the face of suffering is not accepted. Because the expression "never again" has special significance for Timor-Leste, we feel we have a moral obligation to accept the third pillar. However, we hope that dialogue and peaceful persuasion and measures undertaken under Chapters VI and VIII of the Charter of the United Nations will take precedence over coercive responses. We also support interaction between the Security Council, the General Assembly and the Secretariat, as well as cooperation and coordination with regional and subregional organizations.

Timor-Leste unequivocally supports and joins the Secretary-General's appeal to the Security Council to refrain from employing or threatening to employ the veto in situations where there is clear failure to meet obligations relating to the responsibility to protect and to reach a mutual understanding to that effect. No country or group of countries should be allowed to interfere with or obstruct decisions that impede the implementation of R2P. The Security Council has a moral and legal responsibility to give special attention to unfolding genocide and other high-visibility crimes relating to R2P.

Timor-Leste is only seven years old — a new kid on the block — but we remain prepared and willing to assist the United Nations in living up to its irrevocable commitment to helping people in need.

Mr. Soler Torrijos (Panama) (*spoke in Spanish*): My delegation would like to start by expressing its gratitude for the convening of this series of meetings and welcoming the report of the Secretary-General (A/63/677). Ever since the 2005 World Summit, when our heads of State or Government agreed on the principle of the responsibility to protect, that principle had to be made operative. From our perspective, the Secretary-General's report is a significant step forward in proposing ways to implement it.

It goes without saying that the responsibility to protect citizens from serious violations of human rights is incumbent upon the State, and it is only when the State cannot or will not exercise its responsibility that the rest of the international community should step in to help. That was the commitment undertaken in 2005 by our leaders, and that is why this debate can in no way strip it of validity. It is clear that before resorting to force in keeping with the provisions of the Charter of the United Nations and international law, priority must be given to international assistance and capacity-building in order to help a State meet its obligations.

A number of elements pertaining to the concept contained in the Secretary-General's report have been noted, and my delegation endorses those assessments. In particular, we believe it would be appropriate to continue to develop the concept of responsible sovereignty and to explore any action that would reduce the risk of genocide or crimes against humanity recurring. We also highlight the recommendation to use the Human Rights Council as a forum to discuss how to encourage States to comply with their obligations

under the responsibility to protect and to monitor progress along those lines, along with the suggestion that this concept be disseminated among communities, that individual responsibility be promoted and that an end be put to impunity as other ways of preventing genocide.

What we have to do now is initiate a series of discussions aimed at undertaking a periodic review of the implementation of the responsibility to protect by Member States and see how to monitor Secretariat efforts to implement the concept.

My delegation recognizes that some Member States still question this concept. They feel it is a pretext for intervention in their internal affairs. That is why this debate was necessary. The Secretary-General's report has shed light on the avenues for implementing the concept we adopted at the 2005 World Summit. Clearly, implementation involves a broad range of institutional activities in conflict prevention, the promotion and defence of human rights and democracy and other activities described in the report, such as the establishment of an early warning system. My country welcomes these proposals. We agree that the preventive elements of the responsibility to protect are the most important and practical.

The implementation of the concept entails many tasks to be carried out in many areas, including Security Council decisions regarding international peace and security. But we should not use the lack of Council reform as an excuse to not move ahead in the implementation of this concept in all possible areas. In the end, what we have to do is move ahead and improve the entire range of preventive efforts to prevent situations such as those covered by the concept of the responsibility to protect from coming to the Security Council.

From our perspective, the concepts of the responsibility to protect and humanitarian intervention are so dissimilar that they must not be confused. In the past, there have certainly been genocides and various military interventions in which humanitarian criteria were used as a justification, but these were unilateral initiatives that took place outside of the United Nations framework. What the responsibility to protect tries to do is strengthen all these national capacities, first of all, and multilateral capacities, secondly, in order to prevent genocide and crimes against humanity. If a situation were to occur where the recourse to force were necessary, that could not take place outside the international legal framework to which we all belong.

Mr. Pak Tok Hon (Democratic People's Republic of Korea): My delegation associates itself with the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

It is a century-long common aspiration of humankind to live in a new peaceful and prosperous world, free from aggression and war. Contrary to the expectations of humankind at the end of the cold war, world peace and security continue to deteriorate due to the high-handedness and arbitrariness of the super-Power and all types of conflicts. It is worth recalling that in the past, military attacks were launched against a sovereign State on the pretext of humanitarian intervention. And today, aggressions and interventions are ever more undisguised and even justified under the banner of a "war on terror", infringing upon sovereignty and killing a large number of innocent people.

This reality requires United Nations Member States to seriously review the responsibility and role of the United Nations in maintaining international peace and security, with a view to taking appropriate practical measures.

The deliberations on the issue of the responsibility to protect (R2P) is, in our view, also linked to enhancing the United Nations role in conflict resolution. Nevertheless, this is very complicated and sensitive, as it is based on the concept of humanitarian intervention, which was already rejected at the United Nations.

Today, many countries are expressing concern over the responsibility to protect, which calls for the international community to intervene in those situations where genocide, war crimes, ethnic cleansing and crimes against humanity are committed by mobilizing every coercive measure, including the use of force. The concern is, first of all, whether this theory is in conformity with the principles of respect for sovereignty, equality and non-interference in others' internal affairs, as stipulated in the United Nations Charter. The international community can encourage and assist sovereign States in their efforts to fulfil their responsibility to protect their own people, but it cannot act like a master in place of their Governments.

The second concern is whether military intervention can be as effective as envisaged by the responsibility to protect in saving the lives of people and in conflict resolution. Ironically, the wars in Iraq and Afghanistan are testimony to the fact that military interventions — for any reason — have always entailed even more serious human rights violations and have thus further devastated the situation.

Last but not least, the third concern is that the concept of the responsibility to protect may be used to justify interference in the internal affairs of weak and small countries.

If this concept is to really contribute to the protection of civilians, we should be able to apply it without exceptions, including to the massive killings of innocent people in Afghanistan and Gaza. Regrettably, action on those cases cannot even be brought before the Security Council because of the involvement of the super-Power. This is the reality we are facing today.

We hope that the aforementioned concerns will be addressed in the course of deliberations.

My delegation is of the view that it is all the more urgent to take steps towards the fundamental resolution of wars and conflicts within the current framework rather than creating a new protection arrangement. To that end, just international relations based on the principles of respect for sovereignty, equality and non-interference in others' internal affairs should be established without further delay. Those principles, which are stipulated in the United Nations Charter, constitute the cornerstone of international relations, and only a world built on these principles will be free from domination and subjugation, aggression and war.

At the same time, we have to encourage the peaceful resolution of current conflicts through dialogue and negotiations, without foreign interference, and reject any type of act instigating confrontation and conflict.

The Government of the Democratic People's Republic of Korea will fulfil its responsibility to firmly safeguard its sovereignty and dignity from ever-increasing military threats by foreign forces, thus contributing actively to peace and stability in the Korean peninsula and beyond.

Mr. Ntwaagae (Botswana): I should like to express my delegation's sincere appreciation to the President of the General Assembly for convening this series of meetings to discuss the advancement of a critical norm that embodies our individual and collective commitment: the responsibility to protect. I also wish to join preceding speakers in thanking the Secretary-General for his very instructive report (A/63/677). I applaud him for his continued efforts to promote and build a normative consensus around this noble concept.

Four years ago, our heads of State or Government adopted the doctrine of the responsibility to protect as part of the 2005 World Summit Outcome Document (resolution 60/1). That pronouncement, made at the highest political level, was a clear demonstration of a strong collective commitment to protect the world's populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to eradicate impunity.

We need only recall for a moment some of the gross atrocities of recent years to realize the difference that that concept might have made had it been in effect. Indeed, history is replete with bitter lessons of grave mayhem, partly because we were indecisive as to whether the human rights abuses committed or threatened by the authorities were serious enough to warrant international attention and action. Our past failures to prevent grave human rights violations should challenge us to rededicate ourselves to our solemn oath and pledge to save succeeding generations from the scourge of war and untold sorrows.

We note with pleasure and satisfaction that the Secretary-General's report advocates a three-pillar approach to putting the concept into practice: first, States themselves have the primary responsibility for protecting their populations from genocide, war crimes, ethnic cleansing and crimes against humanity; secondly, the international community has the responsibility to help them do so; and thirdly, only in instances in which a State is manifestly failing to protect its own population does the international community have the responsibility to take timely and decisive action to remedy the situation. Even in such circumstances, it is important that the international community not undermine the sovereignty of the countries concerned under the pretext of providing support and assistance.

We also note that the Secretary-General's report not only demonstrates the urgency of operationalizing the concept as a preventive tool, but also identifies

measures and actions that can be taken to make the response to the needs of vulnerable populations more effective. We all agree that we have a role to play in this process and that appropriate action to protect populations must go beyond statements of intent and expressions of concern. Instead, we need meaningful and practical protection based on concrete and effective action.

The international community, for its part, must demonstrate political will and support by ensuring that all peaceful means of preventing or resolving a conflict are fully explored. That also means that we must all be prepared to take collective and appropriate action in a timely and decisive manner.

Early warning capability is indeed essential in putting the responsibility to protect into effect. Botswana strongly believes that concrete steps and a willingness to make flexible and pragmatic use of all means available to us will enable us to save populations from grave crimes against humanity. That is the conviction that informed our ratification of the Rome Statute, which established the International Criminal Court. We believe that the Court provides a viable judicial mechanism for addressing issues of impunity and gross human rights violations.

My delegation considers respect for democracy, good governance, human rights and the rule of law to be interlinked and mutually reinforcing and also to be prerequisites for promoting and protecting human rights at the national, regional and international levels. We therefore pledge our full support for measures designed to contribute to the promotion and protection of human rights.

In conclusion, I wish to underscore the point that we all have a duty towards the responsibility to protect. We must keep our efforts coordinated and bound together with unity and singularity of purpose. We must all be voices for collective action in the face of genocide, war crimes, ethnic cleansing and crimes against humanity.

Mrs. Aitimova (Kazakhstan): At the outset, I wish to thank the Secretary-General and his staff for preparing an unprecedented report on implementing the responsibility to protect (R2P) (A/63/677). These General Assembly plenary meetings and this thematic debate on R2P are historic, as Member States, reaffirming their earlier commitment to the 2005 World Summit Outcome Document (resolution 60/1), which contained paragraphs on R2P, have gathered for continued consideration and further elaboration of this novel concept of international law.

Kazakhstan shares the universal belief that protecting populations from grave human rights violations, such as genocide, war crimes, ethnic cleansing and crimes against humanity, is a moral imperative. At the same time, we strongly advocate the use of the concept of non-indifference when a State fails to fulfil its primary duty to protect its own people. No loss of civilian life as a result of egregious, open acts against citizens can be shielded by citing the inviolability of State sovereignty or the absolute primacy of the principle of non-interference. Far too often, owing to the lack of a unanimously agreed formula for responding to mass atrocity crimes, the world has failed to provide adequate and timely assistance or has paused in silent condemnation and inaction, thus contributing to impunity for perpetrator States.

Guided by the motto "never again" to mass atrocities and Chapters VI, VII and VIII of the United Nations Charter, Member States can certainly begin to examine security issues as they relate to individuals and/or groups — that is, apart from the usual terms of State security. Yet, very cautious case-by-case consideration of the implementation of R2P is essential in order to avoid situations in which military intervention is used for inappropriate purposes under the banner of R2P.

The Secretary-General's report provides a comprehensive conceptual framework that is sufficiently equipped with a set of reasonable practical measures and tools to leverage resources and further promote the global commitment to the R2P concept. Now, four years after the adoption of the 2005 World Summit Outcome Document, it is time to advance the R2P agenda and to begin efforts to improve the Organization's capacity to prevent the four horrendous crimes outlined in paragraphs 138 and 139 of the Outcome Document by establishing an early warning system, collecting and assessing reliable information and building the capacity of all parties involved in implementing R2P.

Kazakhstan fully supports the simultaneous implementation of the three pillars upon which the responsibility to protect rests: the protection responsibilities of the State; international assistance

and capacity-building; and timely and decisive response. At the same time, we emphasize the importance of reaching universal agreement on accurate criteria, humanitarian norms, standards and procedures to be used to determine whether a State fails to have the national capacity to protect its citizens, thereby giving a green light for the application of international coercive measures. The value of prevention in the form of exhaustive diplomatic, economic and other efforts cannot be overstated. Only when prevention fails to succeed can the third R2P pillar on the use of force be applied as a measure of last resort once it is duly approved by the General Assembly and the Security Council.

In this regard, we recognize the efforts of the African Union and the Economic Community of West African States in pioneering the drafting of progressive regional legal instruments, policy tools and mandates designed for action-oriented implementation of the responsibility to protect concept, based on cooperation with the main bodies of the United Nations. Those examples set a precedent for more strengthened collective action by other States within their regional and subregional arrangements. In the case of my country, Kazakhstan, R2P could be considered within the Conference on Interaction and Confidence-building Measures in Asia, the Shanghai Cooperation Organization, the Commonwealth of Independent States and the Collective Security Treaty Organization.

We would also like to express our full agreement with the Secretary-General's report's recommendation on ensuring the collection of updated and reliable information through all possible channels and the exchange of such information, including practical lessons learned, among Member States.

The development of principles and norms of international law, responsive laws and policies, and practical toolkits to guide States in advancing the R2P agenda to ensure fairness, political participation and non-discrimination have become critical. Further deliberation among experts, scholars and practitioners of international law on R2P that may merit further consideration by Member States is therefore more than welcome.

In this era of globalization, now is the time in the history of international law for all States Members of the United Nations to collaborate in incorporating the elements of R2P into the general principles of the United Nations as a progressive approach towards achieving universal justice. During these past three days, we have heard the international community clearly express the conviction that those who organize or engage in genocide, war crimes, ethnic cleansing and crimes against humanity against their own citizens should be held accountable. Kazakhstan strongly supports the ongoing consideration of the concept of the responsibility to protect.

Mr. Nhleko (Swaziland): I wish to add the voice of my Government to those that have spoken on the implementation of the responsibility to protect (R2P). I thank the Secretary-General for his extensive report (A/63/677), which provides a conceptual basis on how the responsibility to protect should be implemented, and we commend him for a job well done.

My delegation also aligns itself with the statement delivered by the representative of the Arab Republic of Egypt on behalf of the Non-Aligned Movement.

First and foremost, we pay tribute to the Constitutive Act of the African Union, and especially its article 4 (h), for its specific reference to the responsibility to protect, and all the more so because it amplifies the value of the policy of non-indifference. It is in the same spirit that I recall paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), wherein our leaders mandated the world to find a way to protect national populations in instances of the four crimes set out in the report of the Secretary-General.

The largest-ever gathering of the leaders of the world reached a landmark agreement based on international humanitarian and human rights law. I urge my fellow colleagues to see the vision of our leaders through, not because we have a choice, but because R2P represents a collective response to resounding failures to save human lives in the past.

Now that we have a coordinated and strategic plan for averting the four listed crimes using the Secretary-General's three pillars to respond according to the extent to which a given situation has advanced, we should not falter in taking decisive action. I would like to point out that most of our work should be concentrated on prevention rather than on intervention.

There is a strong emphasis on being narrow and deep in our thinking. I would like now to make a few

points on the depth of R2P. My delegation believes that the depth of R2P arises from a number of its virtues. As the report of the Secretary-General rightly points out, governance, sound institution-building, human rights protection and protection of the rights of women and minorities all are part of a State's responsibility to protect its populations.

The vicissitudes of the successful institutionalization of R2P lies in many preliminary programmes that are closely related to development and security. The fight against poverty and other challenges is linked to the responsibilities of Governments to their populations.

The disintegration of socio-economic and political strategies that make a successfully managed country augurs a precarious situation. Good governance during peacetime plays a positive role in R2P, and actually reinforces the State's ability to meet its obligations under pillar one. The responsibility of States to protect populations is sacrosanct, takes precedence from its very inception, and embodies the duty to enforce the rule of law and obedience to the democratic compact. The failure of a State to fulfil this role triggers a series of events that may degenerate into violent interventions by wayward elements within national borders. R2P should not start when disagreements degenerate into violence, but should embrace preventive peacetime measures undertaken primarily by the State, and complemented by the support of the international community.

My country has profound experience with respect to displaced populations and refugees from other States. The 1970s and 1980s saw untold masses of people coming into my country from neighbouring States. As small as we are, with few resources and bursting at the seams, we had the obligation to protect immigrating populations coming into Swaziland as they fled different situations. The experience of protecting foreigners and nationals at the same time has had a profound effect on our understanding of the importance of R2P. Be that as it may, my delegation is concerned that little or no reference is made in the report to the degree of responsibility of States when they occupy the land of others.

More often than not, local populations suffer untold abuses and systematic substitutions, with little attention paid to their well-being. We would like to see a more detailed prescription on how occupying Powers should be held responsible for the populations of the lands they invade. In actual fact, the systematic substitution of certain particular populations may amount to a special form of ethnic cleansing. I wish to appeal to the Secretary-General to take a closer look at the definition of ethnic cleansing and to find the means to broaden or deepen it to include such considerations. Our thinking is that such all-around elaboration with regard to the four crimes will certainly enhance the operational utility of R2P.

This also applies to the five permanent members of the Security Council, which may sometimes find themselves entangled in cases wherein they have special political and economic interests in a specific country. There is a lacuna with regard to how to force the hand of such a powerful country so that it immediately recognizes a case of R2P and does not let it degenerate into a full-blown conflict wherein extrajudicial killings occur at will.

There have been many insinuations and much scepticism about pillar three. Even though we may concede the fact that sovereignty is responsibility, there is also a gray area regarding the specific course of action to be taken should a need for pillar three arise in a given situation. The authority to intervene militarily must be approved by the Security Council. The question remains as to whether that avenue is very effective. What if the Council should suffer from operational incapacity for reasons known only to it? Some may argue that there are cases requiring regional efforts, with little involvement of the Council, but there will be situations wherein interest-propelled incapacity will take effect. We suggest that the Secretary-General devise a strategy to make it impossible for the Security Council to be inert.

Pundits may deny that some of the problems facing R2P hinge on reform of the Security Council. There is a clear need to step up the work on the structure of the Council if most of our initiatives are to be fluid. However, we do not believe that nothing can be done in the current scheme of things. Certainly, where there is a will, there is a way.

Ms. Jahan (Bangladesh): I take this opportunity to thank the President of the General Assembly for arranging this timely debate on the responsibility to protect (R2P), a concept emerging as a potentially powerful instrument for helping to prevent humanitarian tragedies.

Bangladesh subscribes to the concept of R2P as an emerging normative framework and believes that its implementation should conform to the principles of objectivity and non-selectivity. We support the view that the scope of the R2P concept should be limited to the four types of heinous crimes mentioned in the 2005 World Summit Outcome Document (resolution 60/1). We also agree that all three pillars of the concept are integral parts of the R2P implementation strategy.

Coming from a country that gained its independence following a genuine, continuous and popular uprising of the people, we fully agree that the responsibility to protect the vulnerable lies first and foremost with the individual State. This responsibility should also arise from the international community's responsibility to ensure the right to development for all nations. We would favour the exhaustive implementation of all existing mechanisms for the peaceful settlement of disputes under the relevant Charter provisions. This concept should not provide a pretext for intervening in the domestic affairs of Member States under the guise of humanitarian assistance.

I would like to place particular emphasis on the second pillar — international assistance and capacity-building. We firmly believe that, if we can achieve success in that area, we can avoid any looming humanitarian disaster.

We should also use the concept of R2P to look into the root causes of a situation in which a State is said to be failing to protect its own citizens, rather than resort to enforcement action after the global community has allowed that State to slide into chaos. The primary tools of R2P should be persuasion and support, not military or other forms of coercion. Only if prevention fails should R2P draw on other measures — economic, political, diplomatic or, as a last resort, military. Therefore, we should develop a preventive framework that would enable us to take due note of warning signs and to act instantaneously, without prejudice.

In that connection, we fully agree that it is very important that early warning and assessment be effected fairly, prudently and professionally, and without being motivated by narrow and self-serving political goals and interests. Similarly, as indicated earlier, the implementation of R2P should be non-selective and devoid of double standards. These are the very principles that are well articulated in paragraph 11 of the Secretary-General's report (A/63/677). In the final analysis, we must make sure that there will be no margin for error.

In conclusion, I wish to underline that, in the event that we reach a stage at which the Security Council has to take necessary action, we expect that it will fully carry out the responsibility entrusted to it by the entire membership of the United Nations. Furthermore, in our discussion and debate on Council reform, we should perhaps place a greater focus on working methods, the application of the veto and ensuring that it is used judiciously so that, ultimately, we do not miss out on the responsibility to protect.

Mr. Aisi (Papua New Guinea): We thank the President of the General Assembly for convening this timely debate. My delegation commends the Secretary-General for his report, entitled "Implementing the responsibility to protect" (A/63/677). More particularly, we recognize its proactive nature, as it includes various proposals and suggestions that provide a reasonable basis on which this sensitive issue can be discussed and debated within its proper context.

Recalling the very successful 2005 World Summit, the Secretary-General rightly notes in his report:

> "The task ahead is not to reinterpret or renegotiate the conclusions of the World Summit but to find ways of implementing its decisions in a fully faithful and consistent manner". (*A/63/677, para. 2*)

We support that contention and, indeed, the Secretary-General in his efforts to flesh out the details of the concept of the responsibility to protect (R2P) through this General Assembly debate and other consultations. However, in lending our support, we agree with the principle that the discussion must be confined and narrowed to four crimes, namely, genocide, ethnic cleansing, war crimes and crimes against humanity.

Understandable reservations about R2P as a concept have been expressed by delegations in differing formulations. As the most representative organ of the United Nations system, the General Assembly must give serious consideration to all the reservations expressed if a broader consensus for R2P is to be garnered. To do so would allow its improved facilitation, consolidation and implementation. In the

statement he made on behalf of the Non-Aligned Movement (see A/63/PV.97), which we agree with, the Ambassador of Egypt rightly pointed out that we should work to reconcile all divergent concerns and viewpoints through an honest, comprehensive, all-inclusive and transparent dialogue.

The robust discussions, especially during the interactive panel last week, and through these debates thus far in the General Assembly have engendered a situation in which the vision of paragraphs 138 and 139 of the World Summit Outcome document (resolution 60/1) are being realized, we would argue, in a more positive context. However, more work and discussions need to take place in order to further flesh out the concept and thereby give better definition to the implementation process of the R2P concept.

The date 30 June 2009 marks the fourth year since the Security Council mandate of the United Nations Observer Mission in Bougainville in Papua New Guinea was successfully completed. The decade-long bloody conflict claimed nearly 20,000 lives, mostly Papua New Guinean, on both sides of that conflict. The scars continue to heal with the strengthening of the continuing implementation of the Comprehensive Peace Agreement.

It seems that nothing can prepare one for the aftermath of a conflict or war. The truth, or the lack of it, is, however, always reflected in post-conflict analysis and normally posed within the ambit of questions such as why the conflict was not avoided or prevented and how factors were allowed to simmer and fester, finally ending in bloody conflict.

It is in the search for the answers to those simple questions that my delegation finds these debates and discussions on R2P of extreme interest. While the Bougainville conflict itself does not fully fall within the parameters of R2P, as we are now discussing, the lessons learned from such a conflict are invaluable.

We accept the notion that the responsibility to protect is our primary obligation. However, that does not and should not preclude assistance being rendered in situations requiring genuine assistance. In such a situation, the assistance rendered should not be seen as an abrogation of sovereign responsibility but rather, as eloquently stated on a different occasion by my colleague the Ambassador of Timor-Leste, as enhancing sovereignty.

In the annex to the Secretary-General's report, the important section on building early warning and assessment capacities sets out parameters that we can build on. Like other delegations, we support the development of an early warning system with a stronger and better monitoring mechanism. There has to be a more effective capacity-building process globally with the sharing of best practices.

The concept of best practices is often spoken about in this Hall, but not given the proper and due attention of the United Nations system. One of the challenges is the need to recognize and respect the proper value of local or indigenous knowledge. To that end, the Secretary-General rightly notes the tendency for that knowledge "to receive too little attention from global decision makers" (*A/63/677, para. 3*). Furthermore, interestingly, is the recognition in the same annex of women's groups being recognized as potential providers of timely and sensitive information on evolving conflict situations. Those examples give us a stark insight into some of the shortfalls of pre-conflict assessments, in which critical messages and signals, such as those that I have described, are overlooked because of their lowly sources. If the implementation of R2P is to be effective, we must expect the Secretariat and the overall United Nations system to be more diligent.

There remains much work to be done to further evolve the concept of R2P to implementation. While paragraphs 138 and 139 of the 2005 World Summit Outcome document give rise to the vision, it is the General Assembly that must deliver on the reality of its implementation.

In its broader reality, the phrase "never again" has been, as history suggests, somewhat of a sad failure. Nevertheless, as a contemporary international community, we have emerging tools to address that failure. In its proper context, R2P can be one of those tools. Inevitably, this debate must continue, and my delegation will engage constructively in the realization of the R2P concept pursuant to the principles agreed in the 2005 World Summit Outcome document.

Lastly, we recognize and thank Mr. Ed Luck for the work that he has done on R2P. We also look forward to working directly with people like Mr. Gareth Evans, a strong proponent of the R2P concept, in the United Nations context as these discussions continue.

Mr. Zinsou (Benin) (*spoke in French*): My delegation is grateful to the President for having organized this debate of the General Assembly on a key point of the conclusions of the 2005 Summit, namely, the issue of protecting populations from heinous crimes that seriously undermine human dignity. My delegation endorses the statement made in this debate by the Permanent Representative of the Arab Republic of Egypt on behalf of the Non-Aligned Movement (see A/63/PV.97), subject to the national sensitivities that I shall now address.

Human dignity cannot be bargained over. The commitment of the United Nations to that principle must transcend all politicking and be seen as a non-negotiable, absolute value. The report of the Secretary-General on implementing the responsibility to protect (A/63/677) firmly follows that line. We thank Mr. Luck and Mr. Francis Deng, who worked tirelessly to draw it up. We readily endorse the Secretary-General's analysis and the adoption of the three pillars on which the proposed strategy is based. It arises intrinsically from the elements approved by the heads of State at the 2005 Summit, and from the founding spirit of the United Nations Charter, which embodies the ideals of peace and freedom that the international community cannot renounce in favour of so-called realpolitik.

Given their interdependence, the three pillars constitute inseparable elements of a single body of law that is unique in itself. That is why my delegation cannot endorse any wording that would marginalize the third pillar. The responsibility to protect cannot be credible or effective without its third pillar, which embodies the determination of the international community to act decisively and resolutely to put an end to the relevant well-defined crimes. That determination is a strong dissuasive factor that must be made credible if we really seek to prevent such crimes.

The first two pillars have been effectuated with varied success, in particular since the end of the cold war. Faced with conflicts and humanitarian and ethnic disasters, the international community has become aware of the link between development and peace, poverty and armed conflict, the protection of minorities and the rule of law, and exclusion and the value of governance.

We are pleased that development assistance is increasingly being extended in the context of a multidimensional political dialogue between donors and beneficiaries and directed towards preventing armed conflict, promoting stability and addressing social problems that seriously undermine affected countries. Experience has shown that progress can be reversed by destructive conflicts that exact a heavy toll from the civilian populations that States are obligated to protect.

The concerted action of the Peacebuilding Commission to help post-conflict countries prevent a resumption of hostilities and promote reconciliation is of great merit. It is also important to implement the Paris Principles on the transparency and effectiveness of development assistance.

The duty of Governments to protect the populations over which they have sovereignty is an enduring responsibility. It is up to them to do their utmost to exercise that responsibility in accordance with international norms. In that regard, my country prides itself on having secured a peaceful transition to democracy in 1990 by averting a civil war that had been considered to be inevitable. In 1990, Benin endowed itself with a Constitution that establishes the accountability of its Governments and the individual responsibility of its public or military officials for their official actions. Its national democratic institutions have mandates that stress their responsibility to maintain the stability of the country and their role in democratically managing disputes and protecting citizens' interests on the basis of their recognized rights and duties. Moreover, the 1990 Constitution provides for the duty of civil disobedience and an appeal for external military intervention, in the context of existing defence agreements, if the established constitutional order should be unconstitutionally undermined.

The successive Governments of Benin have been deeply committed to preserving the national consensus, which is continuously strengthened by the virtues of all-inclusive and non-exclusive dialogue. The High Council of Beninese Abroad was established to that end, seeking to ensure a link between the country and its diaspora. The High Commission for Collective Governance promotes national dialogue on vital questions. Similarly, the National Assembly recently adopted a law to ensure a firm legal basis for the post of Ombudsman of the Republic, which has been operational since 2006. It promotes respect for the

rights of citizens in their relations with the Administration.

In entrenching those institutions, Benin has enjoyed the manifold assistance of development partners, which continue to contribute through various operational activities to improving the living conditions of the population, including protecting natural resources, combating poverty and social exclusion, and promoting economic growth to link democracy to shared prosperity.

External shocks caused by the successive crises that have shaken the global economy have not weakened the Government's resolve to keep its programmatic goals on course. It relies on the support of the international community. Benin is also a stakeholder in several networks for the sharing of experience in the context of South-South cooperation, and contributes significantly to collective efforts in the maintenance of international peace and security.

An enthusiastic proponent of international justice, Benin recognizes the jurisdiction of the International Court of Justice and turns to it to settle its international disputes. It has become a party to the International Criminal Court, whose independence and cooperation with the Security Council must be strengthened in order to make it an effective instrument to fight impunity and to prevent crimes related to the responsibility to protect that fall within in its remit. The Secretary-General rightly reminds us of that.

As regards the third pillar, Benin considers it to be fully consistent with the obligations freely assumed by the Beninese State under the United Nations Charter and in the context of the peace and mediation mechanism of the Economic Community of West African States, the African Union and the New Partnership for Africa's Development (NEPAD). Benin was one of the first countries to accede to the African Peer Review Mechanism established under NEPAD. The Mechanism provides the momentum for the progress and modernization of African societies. It needs the effective support of the international community to ensure the implementation of the recommendations that arise from it.

The African Peer Review Mechanism is an important framework for assessing the potential risks of conflicts and formulating active prevention policies pursuant to the provisions of resolution 1625 (2005) on the prevention and settlement of conflicts, in particular in Africa. It is to be recalled here that that resolution was initiated and negotiated by Benin during its membership of that organ in 2004 and 2005.

Benin calls on Member States in particular to see the third pillar for what it is and to resituate it in the context of the collective security regime established by the Charter. The Charter offers every legal basis for exercising the responsibility to protect, envisaged as a mechanism for progressive reaction, in particular in the face of threats to international peace and security that undermine human dignity.

In that regard, my delegation would like to state its opinion on the coercive nature of United Nations action in implementing the responsibility to protect. The third pillar of the responsibility to protect has been presented in this forum as undermining paragraph 4 of Article 2 of the Charter. In my delegation's opinion, that is a misunderstanding. In that regard, that Article applies only to wars of aggression, or at least to the use of force by States in their mutual relations as a means to pursue their foreign policy goals in a manner that is inconsistent with the purposes and principles of the Charter. The prohibition of the use of force contained in paragraph 4 of Article 2 implies a commitment of the Organization to addressing the settlement of disputes that undermine international peace and security and to adopting measures commensurate with the recognized circumstances.

Another consequence of paragraph 4 of Article 2 relates to the prerogative conferred on the Security Council to declare the existence of a threat to peace, a breach of the peace or an act of aggression. In other words, it is up to the Council to determine if and by whom the purposes and principles of the Organization have been violated and to take the measures that it deems appropriate to stop acts of aggression, as provided for in paragraph 5 of Article 2. That paragraph explicitly refers to the Organization's option to take preventive or enforcement action and calls on Member States to give it every assistance in any action taken by it in that context.

Thus, the kind of use of force provided for in paragraph 4 of Article 2 of the Charter is completely different from that undertaken by the United Nations or by regional organizations on behalf of the United Nations to resolve or to stop serious violations of the Organization's fundamental principles. If the Charter excludes the threat or use of force in relations among

Member States, it does so in order to establish the Organization's broad monopoly on the use of force, while relying on the resources of Member States.

The responsibility to protect is related to that second type of use of force. That interpretation arises from Chapters VII and VIII of the Charter. That is made especially clear in Article 53, which stipulates that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. It is the responsibility of those regional agencies to keep the Council informed of all action taken or envisaged in order to maintain international peace and security.

The Charter goes much further: it allows the Organization to ensure that States that are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of peace. Apart from preventive or enforcement measures, the Charter even stipulates expulsion of a Member State that persistently violates those principles, such that it is banned from the international community. The fact that the Organization must ensure that States that are not members of the United Nations act in line with these principles so far as may be necessary for the maintenance of international peace and security underlines the overarching nature of these principles as the basis of a worldwide legal framework. This explains the indirect obligation of non-members to respect the principles of the Organization.

A State which commits genocide, ethnic cleansing, war crimes or crimes against humanity exposes itself to enforcement measures by the Organization. It is to ensure that, in the face of such gross violations of positive international law, States are not forced to act unilaterally that the Charter confers this responsibility and prerogative on the Security Council. For we must not forget that human groups and nationalities who are the target of genocide or ethnic cleansing have friends and others bound by ties of kinship whose sympathies could bring them to view the situation as a casus belli, a justification for collective or individual self-defence, as has been the case on many occasions in recent history.

That is how alleged or proven genocide within State boundaries constitutes a threat to international peace and security. Positive international law and our collective awareness of the existing international legal order reject the idea of non-interference in internal affairs when massive violations of human rights are at stake. This points to the international ramifications of the obligations assumed by States under the international instruments to which they are party; the notion of *pacta sunt servanta* — respect for good faith — is a fundamental principle of peaceful relations between States.

The exercise of the responsibility to protect requires principles established in an objective manner. Just as it falls to the Security Council to note the existence of a threat to peace, a breach of peace or an act of aggression, it likewise falls to the Council to identify situations in which the responsibility to protect can be invoked. But let there be no misunderstanding. The very existence of a debate about an act of genocide is itself a threat to peace and international security, and should therefore spur the Security Council to undertake investigations to establish the facts. That is what it did when it established the International Commission of Inquiry on Darfur. Thus, the responsibility to protect is clearly an idea perfectly in line with the United Nations Charter.

The real problem does not relate to the existence of a legal basis for United Nations enforcement action, but rather to the inconsistent practice of the Council. We know the reasons for this. It is because of geo-strategic rivalries that have paralysed the work of the Council and that have made the Council incapable of taking the decisions that were expected of it in circumstances that called for its decisive action. It is up to us to determine the modalities for implementing the responsibility to protect in order to ensure consistent, predictable United Nations practice in this matter. This is the challenge that we need to meet in order to keep the principle of the responsibility to protect from being a mere scarecrow.

We should welcome the commitment expressed by the international community to overcome the hazards that the implementation of the Charter has encountered to date in terms of protecting populations and human lives. This is the meaning of paragraphs 138 and 139 of the 2005 World Summit Outcome Document, which we must implement. This is the work that we need to get down to, bearing in mind our historic responsibility.

These hazards reflect a lack of will to act on the part of those with the capacity to do so and who thus

exert discretionary power over decisions in this matter by putting their own current interests first. This does not include only the permanent members of the Security Council. The resulting policy of double standards has significantly harmed the credibility of the United Nations. The Secretary-General recognizes this in his report. There is also the difficulty that the United Nations is encountering in mobilizing human and logistical resources that are needed to deal with situations that must be dealt with rapidly and resolutely.

The lack of interest and action and the resulting lack of will to act do not reduce our duty to act. The operations that the United Nations undertook in Somalia at the beginning of the crisis are at odds with the indifference demonstrated after their failure and show that the international community was well aware of its responsibility to people in that country. It remains the same today even if the terms of the equation have changed.

This is why my delegation calls for a multinational rapid deployment force to be set up pursuant to Article 45 of the Charter; this would bring together contingents from five regions under the supreme command of the Secretary-General, with its operational command rotating on a regional basis and a robust mandate and appropriate means to ensure that it is a credible international force. The force should be able to be mobilized and deployed in a matter of days into identified theatres as soon as a decision on deployment has been taken by the competent United Nations organ. It is for the Security Council to take that decision pursuant to Chapter VII.

Now that the responsibility to protect has been explicitly affirmed, failure on the part of the Council in this matter could cause a serious crisis within the Organization, because Member States' displeasure at the Council's inaction will increase, as will belief that the General Assembly has the capacity to fill the gap pursuant to resolution 377 (V), "Uniting for Peace". We came across such a situation in the recent deadly campaign against Gaza.

From this perspective, we would gain from instituting, in the context of United Nations reform, a mechanism to reduce the impact of geo-strategic rivalries on questions relating to the exercise of the responsibility to protect. That might take the form of minor consensual procedural revision of the way in which relations between the General Assembly and the Security Council are managed. If the Council cannot take an appropriate decision on a matter involving the responsibility to protect in a reasonable time frame, which would depend on the degree of urgency, the Assembly could take up the question, if necessary, to take a decision on measures considered by the Council and to inquire of the Council about whether or not they are appropriate to the circumstances. In such cases, the Security Council should take a decision by a secret vote, thereby excluding the right of veto.

If and only if the Council is still unable to take a decision in keeping with the interests of the international community, then the General Assembly could consider resort to resolution 377 (V) by a qualified majority vote, to enable the international community to shoulder its responsibilities in accordance with the promises made by the peoples of the United Nations in the Charter and with the resulting obligations for Member States.

Ms. Kafanabo (United Republic of Tanzania): It is now almost four years since our heads of State or Government at the 2005 World Summit stressed the need for the General Assembly to continue to consider the concept of the responsibility to protect (R2P). It is therefore appropriate that we take up the challenge now.

My delegation thanks the President of the General Assembly for organizing this debate and also thanks the Secretary-General for the introduction of his report (A/63/677) on Tuesday, 21 July 2009 (see A/63/PV.96). We welcome the report of the Secretary-General, entitled "Implementing the responsibility to protect". We believe that the report forms a good basis for our deliberations on this issue. We also believe that the Secretary-General's recommendations contained in the report warrant our serious consideration. We further concur with the Secretary-General that our task is not to reinterpret or renegotiate the conclusions of the 2005 World Summit. It is our hope therefore that in this debate we will discuss the way forward on how to implement the commitments of our leaders as stipulated in paragraphs 139 and 140 of the Summit Outcome (resolution 60/1). These commitments are clearly a response to historic collective failures to save human lives. The huge loss of life that we witnessed in Rwanda and elsewhere should not be allowed to be repeated.

The Government of the United Republic of Tanzania has always been in the forefront in the maintenance of peace and security and has played key roles in negotiating peace settlements in the African region, particularly in the subregions of the Great Lakes and Southern Africa. The participation of Tanzania in the maintenance of peace and security is derived from our conviction that there can be no peace in our country when there is instability in neighbouring States. When there is instability it is the people who bear the burden. Governments thus have the primary responsibility to protect their own people. And when Governments fail or are unable to offer such protection, we should take on a collective responsibility to protect humanity. Governments must ensure respect for the rule of law, human rights and democracy; this is responsible sovereignty.

We need to respect sovereignty, but at the same time we cannot remain indifferent to gross human rights violations. States must be held accountable in the practice of responsible sovereignty, which calls for respect of universal values and the maintenance of peace and security. In this regard I wish to quote the words spoken by the former President of Tanzania, His Excellency Mr. Benjamin Mkapa, during the first International Conference on the Great Lakes Region:

> "In the aftermath of the genocide in Rwanda, and in light of a massive influx of refugees in the Great Lakes region, it is inevitable to conclude that the principle of non-intervention in the internal affairs of a State can no longer find unqualified, absolute legitimacy. The possibility for intervention must be placed on the table as part of the international strategy for durable peace and security."

In this regard, we need to emulate the position of the African Union, which has moved from a position of non-interference in the internal affairs of Member States to that of non-indifference.

Our stance on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity is unwavering. Our former President explained very well our position at the first International Conference on the Great Lakes Region, where he had the following to say on the issue:

> "States must firmly be placed on notice that the humanity we share demands that we should collectively have an interest in its promotion as well as its protection. Governments must first be held responsible for the lives and welfare of their people. But there must also be commonly agreed rules and benchmarks that could trigger collective actions through our regional organizations and the United Nations against Governments that commit unacceptable human rights abuses or threaten regional peace and security. We thus welcome the affirmation by world leaders of the responsibility to protect civilians from genocide, crimes against humanity, war crimes and ethnic cleansing."

The responsibility to protect is not a substitute for mechanisms and instruments that are already in place, but rather, it complements them in a collective manner. The 2005 Summit Outcome Document clearly stipulates the responsibility to protect is only in respect to genocide, war crimes, ethnic cleansing and crimes against humanity. We would wish that this focus of R2P be maintained; there should be no attempt at present to include other elements.

As we discuss the implementation of R2P, we should maintain the parameters and the caveats that are contained in paragraphs 138 and 139. The challenge that we have before us is how to develop a common understanding, agreed rules and benchmarks. We believe that the United Nations is rightly placed to discuss the issue further so that we arrive at a consensus on the implementation of R2P. It is equally important that regional organizations become part of the equation as we discuss the elements of R2P and its implementation.

This debate is the beginning of a process of arriving at a consensus on the issue of R2P. The three pillars that the Secretary-General has described in his report should be our starting point in discussing how we implement R2P. We expect that we will continue with this debate during the sixty-fourth session, and in that regard we encourage the Secretary-General to prepare a report that will take into account this session's deliberations as well as regional experiences.

The meeting rose at 1.10 p.m.

United Nations A/63/PV.101

General Assembly

Sixty-third session

Official Records

101st plenary meeting
Tuesday, 28 July 2009, 3 p.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

The meeting was called to order at 3.35 p.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

Mr. Gutiérrez (Peru) (*spoke in Spanish*): At the outset, I should like to thank the Secretary-General for the preparation of his report entitled "Implementing the responsibility to protect" (A/63/677), and for his presentation of that report to the General Assembly on 21 July.

Peru should also like to align itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement, setting out the Movement's commitment to participating actively in the deliberations on how to implement the provisions contained in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1). Peru takes note of the Secretary-General's report, which we see as the first step towards fulfilling the commitments assumed by all States in the aforementioned paragraphs with regard to the responsibility to protect.

Some delegations have expressed their support for the report and its approach to the responsibility to protect. Others, however, have expressed certain misgivings, given that the concept demands further debate with regard to its implementation and practical use. We are prepared to work towards that end, keeping in mind that this process of implementation should seek not to redefine the concept but to make it effective. The purpose of this meeting is therefore to find common ground and areas of agreement that will be sufficient to set in motion a process of discussion aimed at operationalizing the concept of the responsibility to protect as enshrined in the 2005 Outcome Document — that is to say, based on four crimes and three pillars.

As for the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, we must work to define these clearly. We cannot simply describe them in a generic fashion, but must analyse how they are covered under practical and customary international law in order to effectively implement the three pillars on the basis of that consensus.

We must also follow the sequence of the pillars. That means starting with the first pillar, recognizing that the responsibility to protect lies primarily with the State, and moving on to the second pillar concerning international assistance and capacity-building. This sequence demonstrates that prevention is fundamental to preventing conflicts from escalating and turning into

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scenarios that, as we have seen in recent years, can result in massive tragedies for humanity.

Similarly, with respect to the responsibility of the international community and of the United Nations in particular, we must establish an early warning mechanism to help protect populations from these four crimes and to promote cooperation among States by building capacity and lending assistance before conflicts break out.

Such a sequential approach will, in due time, allow us in a more measured frame of mind to analyse the third pillar, which relates to measures that can be adopted under Chapters VI, VII and VIII of the Charter of the United Nations, based on understandings that will help us to see it as a timely and resolute response on the part of the international community, but one of last resort. We believe that this methodology will enable us to make substantial progress, since, from what delegations have said, there seems to be greater potential for consensus on the first two pillars.

It is important to spell out that the responsibility to protect implies preventing — and I repeat, preventing — the four crimes singled out in the Secretary-General's report. This must not be confused with the use of the concept to pursue political goals, seeking to penalize or persecute any party that does not share a particular ideological or political bent with a given Government.

In this context, we must not fall into the error of confusing the responsibility to protect with the correct exercise of asylum law, pursuant to article 14 of the Universal Declaration of Human Rights, which states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution". Similarly, in its resolution 2312 (XXII) of 14 December 1967, the Declaration on Territorial Asylum, the General Assembly established that the granting of asylum is a pacific and humanitarian act, and that, as such, it cannot be considered unfriendly by any other State. Article 1 of the Declaration states that asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, shall be respected by all other States.

In the same way, the United Nations Convention relating to the Status of Refugees specifically establishes in article 32.1 that "Contracting States shall not expel a refugee lawfully in their territory". Likewise, article 33.1 establishes the obligation that no Contracting State shall expel or return a refugee when his or her life or freedom would be threatened on account of, among other things, his political opinion.

If crimes against humanity are believed to have been committed in a given situation, it is important that due legal process be applied in an impartial, apolitical and fair manner, and that the right to an adequate defence be granted to those accused of such crimes. If the accused enjoy asylum or refugee status on the territory of a country other than that in which they are to be tried, the legal process of extradition allows — once the justice system of the asylum-granting country has been able to analyse and clarify both the charges and the process to which the persons in question would be subject — the accused to be handed over to face the accusations that have been made against them and for which their extradition has been requested.

In the cases referred to by the representative of Bolivia in this debate, I note that Peru has yet to receive an official extradition request that would enable its Supreme Court to analyse it pursuant to due process. When such a request is made, the Peruvian judicial authorities will act in compliance with the international obligations that bind us under the aforementioned instruments, as well as with the relevant regional treaties.

We believe that the mandate we have received from our heads of State and Government is clear and that we must carry it out without further delay and in good faith. The General Assembly is the most appropriate forum in which to address this matter, given its impeccably representative credentials. What is more, the General Assembly has before it an extraordinary opportunity to demonstrate in deed that it can meet the expectations of the international community and that it is capable of taking on the central role to which it aspires in handling the most sensitive issues on the global agenda. Peru is prepared to accept this challenge and expresses its commitment to working with all Member States in that direction.

Mrs. Cerere (Kenya): My delegation wishes to thank the President of the General Assembly for having convened this very timely debate. We also wish to thank the Secretary-General for his comprehensive report, contained in document A/63/677, on implementing the responsibility to protect. We welcome the report and believe that it provides us with

an ideal opportunity to exchange views on this very important subject.

The concept of the responsibility to protect involves the fight against impunity and is premised on the very roots on which this Organization was founded — to end the scourge of war and guarantee that every human being can live a life of dignity. This very principle is also rooted in African culture, and in 2000 was enshrined in article 4 (h) of the Constitutive Act of the African Union.

The noble idea of the responsibility to protect is to prevent societies from falling apart, which is the overarching responsibility of any Government. It cannot be overemphasized that failure to build social cohesion results in instability that could lead to mass atrocities.

The responsibility to protect is a call to implement existing commitments under international humanitarian and criminal law to protect civilians from human rights abuses at all levels. The norm of the responsibility to protect is therefore not new and is well documented in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), yet its implementation has been problematic. This state of affairs should not be allowed to continue.

The commitment made by our heads of State and Government at the 2005 World Summit to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, individually and collectively through all possible measures at their disposal and with the assistance of this Organization, needs to be transformed into reality. Therefore, there should be no recourse to reinterpretation or renegotiation of the concept. Rather, we should work to find ways to implement it. To this end, the solidarity of Member States, the United Nations, regional and subregional organizations, and civil society is crucial.

In order to enhance the crucial role that States and regional and subregional organizations, such as the African Union, the East African Community and the Intergovernmental Authority on Development, can play in furthering the goals of the responsibility to protect, it is important for the international community to assist in developing the capacity to effectively implement responsibility to protect obligations.

I would like to take this opportunity to express the appreciation of the people of Kenya for the personal initiative of the Secretary-General to lend crucial support to the search for a negotiated solution to the problems in my country following the disputed December 2007 general elections. The support provided to the Panel of Eminent Persons was invaluable.

We strongly believe that, should it be necessary to use force, it must be consistent with the principles of the Charter of the United Nations and international law. Our experience demonstrates that timely diplomatic intervention through negotiations can result in the peaceful settlement of any dispute. The mention of necessary measures should therefore not be equated with the threat of use of force.

Since the National Dialogue and Reconciliation Accord was concluded in February 2008, the Grand Coalition Government of Kenya has put in place various mechanisms aimed at ensuring that the terrible experience of post-election violence is never repeated. We are determined to lay a firm foundation for an equitable, stable and cohesive society. The report of the Waki Commission, which investigated the root causes of the post-election violence, has been adopted by Parliament. The Government is fully committed to implementing its recommendations. That report provides a clear road map to address the various problems.

We are convinced that the legislation enacted by Parliament in 2008 will give further impetus to national reconciliation. The legislation includes the National Accord and Reconciliation Act (2008), the Truth and Reconciliation Commission Bill (2008), the National Ethnic Race Relations Commission Bill (2008), the Constitution of Kenya Bill (2008) and the Constitution of Kenya (Amendment) Bill (2009).

My delegation looks forward to working closely with others to refine and implement the strategies outlined in the Secretary-General's report. To this end, we appeal for international solidarity in advancing the political consensus forged in 2005. It is our conviction that the three pillars that are the basis of the strategy can withstand the test of time if implemented in a consistent manner and in good faith.

Mr. Zainuddin (Malaysia): My delegation welcomes the opportunity to address the subject of the responsibility to protect (R2P). We thank the Secretary-General for the presentation, on 21 July, of his report on implementing the responsibility to protect.

contained in document A/63/677, which has given us much food for thought. We note with interest the questions that have been posed to the Secretary-General, many of which echo our own sentiments, and look forward to engaging further on this important subject. Malaysia aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

As is often the case when dealing with a new concept or trying to put some meat onto an innovative and inherently good idea, the devil will be in the details. We must ensure that we do not thwart the good intentions behind the original formulation of the concept. At the same time, we have to ensure that, in our eagerness to provide clarity and coherence to the concept, we do not load it with so many different issues that it becomes a conflict in itself. The best concepts, we have found, are those which are precise and clear, encompassing aspects that make them both straightforward and easily distinguisl le from other ideas.

When world leaders came together in September 2005, they agreed on an overarching concept based on the obligations of a sovereign State. Thus, they strengthened the principle of sovereignty by making the State responsible for the protection of its population. The population is guaranteed safety and protection in return for granting legitimate power to the State and its machinery. This added nothing novel to the concept of statehood and the obligations arising from it. In fact, State sovereignty is the very bedrock of the United Nations.

However, it seems that, in shaping the concept of responsibility to protect, it seems that we are going one step further. States not only have the responsibility to protect their population, which is their essential right, but are also to be held liable for not preventing or circumventing the incitement of the crimes specified under the responsibility to protect.

On the face of it, this seems to be above board and logical, but under international and criminal law, a crime needs to be committed in order to be considered a crime. But, as it is presently framed, R2P seems to seek to prevent the occurrence of the crime or the incitement to commit the crime. In reality, it is possible only in hindsight to hold an entity liable for negligence or failure of due diligence, in this extrapolated sense of the terms. Unless we have a crystal ball that can tell us the future with absolute certainty, it will be difficult to hold a State responsible for not acting against a crime that has yet to be committed.

It is because of these seemingly illogical steps in what should be a natural progression from particular thinking to a set of principles that the general membership of the United Nations needs to sit down and iron out the details of the principle of R2P. We know the principle well; as some of our academicians valiantly tried to explain last Thursday, the responsibility to protect is not something new, but has been around for a long time. But do we all know it as the same thing, right down to the last tenet? Describing a principle is much like describing the wind — you know it, but you can never really pin down its description.

During the meeting on 21 July, our attention was drawn to the response of the Secretary-General with regard to the early warning capability of the Organization, particularly as related to the responsibility to protect. We appreciate the Secretary-General's candour in this matter and hope that, when consultations on the early warning capability are undertaken, they will be carried out in an inclusive and transparent manner, with primary inputs from Member States.

Collectively, we have not yet reached agreement on the exact parameters of R2P, including how we will conclusively decide when the responsibility to protect comes into being in any given situation. If we take the approach that it is all of us, sitting collectively, who are to decide whether R2P should be invoked, then we still have to grapple with the question of what action should be taken. Since the Secretary-General's report alludes to the premise that Chapter VII of the Charter of the United Nations should be invoked only as a last resort, then, provided that all questions relating to R2P have been satisfactorily answered and that we are in agreement that R2P should be invoked, it does not make sense for the Security Council to be able to thwart this decision by applying the veto. In this regard, and with the caveat that R2P has been crystallized in full, veto use should be restrained.

While Malaysia is supportive of any well thought-out initiative which seeks to protect the sanctity of human lives, we believe that the economic well-being of a person is also an important facet of human protection. In this regard, Malaysia is

concerned that the way in which donor countries are urged in the document to ensure that a State carries out its responsibility to protect will be misconstrued in its implementation. Donor assistance should be rendered on the basis of the need of the recipient State, rather than of any set of predetermined criteria that could result in that assistance being used as a tool for pursuing political objectives.

Furthermore, following up the call for expanded development assistance by earmarking that assistance to be used to strengthen the role of civil society in the decision-making process seems almost like introducing a conditionality where none existed before. Malaysia hopes that this was not the intent and understands full well that concepts need to be fully clarified in their crystallization. We look forward to engaging further with all Member States on this matter.

Mr. Ramafole (Lesotho): I thank the President of the General Assembly for having convened this plenary debate to exchange views on an issue of utmost importance at the present international juncture. I wish to thank the Secretary-General for his presentation of his report (A/63/677) on implementing the responsibility to protect (R2P), which I welcome.

The origins, meaning and scope of the concept of the responsibility to protect have been eloquently set out by the speakers who have taken the floor before me. Consequently, I will not dwell on elucidating what the concept stands for. It is safe to say that R2P indeed reaffirms some of the main purposes for which the United Nations was formed, namely to maintain international peace and security and to take effective collective measures to prevent and remove threats to peace.

Today's world has witnessed a change in the nature of armed conflicts. We have seen and continue to witness more and more internal conflicts. Civilians, the majority of whom are defenceless women and children, make up most of the casualties. The success of the international community in preventing such casualties has been very limited.

It is in this context that we welcomed the decision taken by world leaders in 2005. We viewed it as a positive step towards ensuring that the international community will act as a collective to prevent and suppress acts of genocide, ethnic cleansing, war crimes and crimes against humanity. As we continue our debate, we must resist the temptation to reopen paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1); rather, we should come up with ways and means of turning the decisions of the world leaders into reality.

My delegation is aware of the fears harboured by some Member States relating to the implementation of the concept. I will limit my intervention to a few of those, beginning with sovereignty.

Some delegations are apprehensive that R2P will be used as an excuse to interfere in their internal affairs, in contravention of the well-established principle of State sovereignty. Sovereignty goes hand in glove with the fact that States have a responsibility for their populations. The duty to protect citizens rests primarily with individual States. Our emphasis should therefore be on making sure that States discharge their responsibility to protect their own populations.

Our understanding of the concept is that the rule of law is fundamental to it. It does not seek to replace either principal international and/or national institutions designed to offer populations protection against atrocities. States therefore have to discharge this responsibility with diligence. And once that is done, there will be no need to invoke pillar three.

It is in this regard that prevention becomes relevant. As the saying goes, prevention is better than cure. This is where pillar two becomes very important. Assistance from the international community, in particular in the area of capacity-building, would go a long way towards ensuring that States do discharge their primary obligations to protect their populations.

The invocation of pillar three would not necessarily translate into recourse to the use of coercive force. This is because that pillar encompasses many measures that are non-coercive and non-violent in nature. It is only when a State manifestly fails to protect its people that a coercive response may be resorted to.

I should now like to address the failure of the Security Council to act. History can testify that there have been instances in which, because of its working methods, the Security Council has failed to act to prevent mass atrocities. The question we now have to answer is what should be done if, for any reason, the Security Council fails to act? In answering this question, I wish to point out that, in my view, R2P in itself exerts more pressure on the Security Council to

act. It seeks to bolster the Charter provisions that impose the duty on the Council to maintain international peace and security. I could not agree more with the Secretary-General's call for restraint in the use of the veto by the Security Council in the four crimes constituting the scope of R2P.

We should recall that the General Assembly has an important role to play in the maintenance of international peace and security. This means that the role of the General Assembly needs to be further strengthened. We must hasten our efforts aimed at ensuring that the General Assembly plays its meaningful role in the maintenance of international peace and security, as it is the last hope of the people of the world and as such must not be silent in the face of mass atrocities.

The third aspect I should like to address is the early warning capability. It is well noted that R2P reinforces the pre-existing values and norms of all regions and legal systems. As a continent, Africa has suffered the worst atrocities that have ever faced humankind. The reason why Africa is hailed as a pioneer in implementing R2P is therefore not difficult to find. The concern that the early warning aspect of the concept needs to be addressed may be well founded. I wish to point out, however, that there is a lot that can be learned from the African model insofar as early warning is concerned. We look forward to the suggestions on strengthening the early warning mechanisms of the United Nations that the Secretary-General will present to the General Assembly later this year.

In conclusion, I wish to point out that, since R2P is a relatively new concept, many questions about its implementation have to be answered. In so doing, we must act swiftly. Because R2P is based on the idea of collective action, there is no doubt that it emphasizes multilateralism as opposed to unilateralism. We should therefore forge ahead together with efforts to agree on how to implement the concept, while it is true that more reforms are needed, including reform of the Security Council, to enable the international community to fulfil its responsibility to protect. We must recall, however, that the need to protect the populations of the world cannot be postponed indefinitely. My delegation assures the President of the General Assembly of its continued support as we further consider the implementation of this concept.

Mr. Musayev (Azerbaijan): In the 2005 World Summit Outcome Document (resolution 60/1), we affirmed that each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, the authoritative framework for effectively addressing the responsibility to protect has been defined. This framework is based on well-established principles of international law according to which States have obligations to prevent and punish the most serious international crimes.

It is essential to note that the relevant provisions of the World Summit Outcome reinforce the letter and spirit of the Charter of the United Nations and the principle of State sovereignty. These provisions make it clear that actions in the exercise of the responsibility to protect are to be undertaken only in conformity with the provisions, purposes and principles of the Charter of the United Nations.

Although important steps have been taken in a number of situations to properly address the most serious international crimes, populations are still suffering in many places around the world because of the manifest failure of individual States to fulfil their most basic and compelling responsibilities, as well as of the collective inadequacies of international institutions.

Regrettably, even more than 60 years after the adoption of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, the conspicuous silence in certain instances, involving in particular situations of military aggression and foreign occupation, serves to accentuate a deficiency that is characteristic of the international community today: the gap between the theoretical values of law and harsh reality. This bitter truth represents a profound challenge to peace, stability and prosperity and therefore requires us to redouble our efforts in implementing the responsibility to protect and putting an end to the most serious international crimes.

The Secretary-General's report on implementing the responsibility to protect (A/63/677) does indeed take an important first step towards turning the authoritative words of the 2005 Summit Outcome into doctrine, policy and, most important, deeds. We consider it important to develop the overall strategy for implementing the responsibility to protect described in

the report, including by seeking ways for the United Nations to best help ensure the fulfilment of the assembled commitments made in 2005 by heads of State and Government.

More should be done to sharpen the tools for ending impunity. This will require the consistent commitment of States to their obligations to prosecute those responsible for the most serious international crimes. Fighting impunity is essential not only for the purpose of identifying individual criminal responsibility for such crimes, but also for peace, truth, reconciliation and upholding the rights of victims. Thus, for example, there can be no justification of attempts to make participation in political processes aimed at ending conflict situations conditional on demands for immunity from responsibility. To hold otherwise would be tantamount to legitimizing the results of mass atrocities and thus to rejecting the responsibility to protect.

We fully support the idea that more research and analysis are needed on why one society resorts to mass violence, advocates the notorious concept of ethnic incompatibility and consistently creates mono-ethnic environments while its immediate neighbours remain relatively stable in terms of preserving cultural diversity and fostering respect among various groups. Azerbaijan is prepared to contribute to such analysis and research, which might serve as an important source for our efforts aimed at discouraging incitement to racial and religious hatred.

We believe that the engagement of the Security Council may significantly advance the scope of actions to implement the responsibility to protect and create opportunities to improve common approaches in this regard. At the same time, the General Assembly has an important role to play, especially when the Security Council fails to exercise its responsibility with regard to international peace and security.

We look forward to continued constructive dialogue and to further reports of the Secretary-General on this matter.

Mr. Lomaia (Georgia): I should like first to thank the President of the General Assembly for having organized this important debate. We value it as an opportunity to discuss how best to pursue the responsibility to protect (R2P) in ways that are consistent, effective and, above all, in the original spirit of this foundational principle of international affairs.

While Georgia has aligned itself with the statement of the Swedish Presidency of the European Union, I would like to take this opportunity to make some additional points.

Mr. Jeenbaev (Kyrgyzstan), Vice-President, took the Chair.

R2P as a principle has been accepted by the international community, a fact which has been underscored during this debate. Representatives of Member States have followed the Secretary-General's counsel not to "change the subject or turn our common effort ... into a struggle over ideology, geography or economics" (*A/63/PV.96*). All in this Hall have been up to the task of not reinterpreting or renegotiating the World Summit's conclusions, focusing instead on ways to implement its decisions in a fully faithful and consistent manner, as the Secretary-General urged.

Perhaps the most important priority that has emerged during this debate is the urgent need to pay closer attention to the proper implementation of the R2P. The potential to misuse this principle could lead to its perversion and subversion. We would therefore like to join our voice to those that have highlighted the perils associated with the insidious or even cynical misapplication of the principle.

This is something known all too well in our part of the world where, last year, the noble logic of R2P was turned on its head. A neighbouring country used it as a false pretext to actually carry out the ethnic cleansing of entire provinces of our country through a unilateral, large-scale military invasion. Hundreds of lives were lost as a consequence. Tens of thousands of innocent civilians were forced from their homes and are still unable to return. This painful experience can help lead us to a better understanding of how to develop safeguards against similar abuses of R2P.

I should like to share a few points we have come to understand about when R2P is likely to be abused — early warning signs, if you will. One ominous sign is when a State turns on its propaganda machine to instigate ethnic hatred. Another is when it begins to invoke quasi-legalistic justifications for unilateral military action. Red flags should also be raised when, in the wake of ethnic cleansing, aggressor countries are able to exploit the international system to banish

international monitors, preventing them from observing what is taking place on the ground, or when they ban humanitarian access to afflicted areas.

The roots of this tragedy go back a decade to that moment when it was declared that the collapse of the Soviet Union, an event almost all of us would hail as a historic victory for liberty and a dream come true for millions of those oppressed, was in fact, "the greatest geopolitical catastrophe of the twentieth century". The liberation of the Baltic States, Ukraine, Georgia and other States had been, according to that assessment, a disaster. The subsequent moral rehabilitation of the communist regime that claimed the lives of 20 million human beings in the gulag camps is the flipside of the equally reprehensible ideological goal of restoring "zones of privileged interests", which, to put it bluntly, replicates the infamous Soviet doctrine of limited sovereignty for nations like my own. Motivated by this ideological goal and the desire to circumscribe the sovereignty of its neighbours, Russia designed strategies to weaken and, ultimately, to undermine the newly independent States.

As 22 internationally renowned public figures from Central and Eastern Europe put it last week in an open letter, "our hopes that Russia would accept our full independence have not been fulfilled. Instead, Russia is back as a revisionist Power". In Europe, these leaders continued, Russia "uses overt and covert means of economic warfare, ranging from energy blockades and politically motivated investments to bribery and media manipulation in order to advance its interests and to challenge the transatlantic orientation" of these countries.

To that list of nefarious tactics we would add an innovation that has proved to be especially potent, namely, so-called passportization. The passportization project was launched unilaterally in 2000, focusing on enclaves in newly independent countries. In doing so, Russia breached the national laws of these countries. According to media reports, as many as 2.9 million Russian passports have been disseminated. Shortly after this subversive strategy was initially deployed, several of the Governments in the newly independent States warned the international community of its dangers. One day, they warned, the so-called interests of these newborn citizens would be cited as a pretext for aggression.

Unfortunately, these warnings were not heeded. It took a full-blown war, the occupation of 20 per cent of the territory of a United Nations Member State and, last but not least, the ethnic cleansing of the occupied territories to make the scale of the menace clear. The passports were disseminated simply to create a quasi-legal justification for claiming that R2P had to be applied "to protect the interests of newborn citizens".

Were other early warning signs ignored that could have helped to predict that last year's invasion of Georgia and the subsequent ethnic cleansing were being planned? Yes, there were. Perhaps the most obvious was a State-orchestrated campaign of ethnic hatred, accompanied by unprecedented mass deportations based exclusively on ethnic criteria.

The leader of the country responsible for these actions coined the term — to which I call the Assembly's attention — "ethnically contaminated places". This leader was referring to the marketplaces where, historically, there has been a predominance of traders from Central Asian and South Caucasian countries. Within days, several thousand ethnic Georgians and Georgian citizens were illegally deported. Some died in detention centres. The European Court of Human Rights has recently ruled to hear the claims of those deported citizens against the State of Russia.

Then, of course, what followed was the invasion. Thirty-six cities and villages across the country were shelled, 600 citizens killed, and important economic, military and civil infrastructure, far beyond the military theatre, destroyed. The regime that invaded under the cynical pretext of protecting its citizens in a neighbouring country then completely cleansed one of the provinces of that country of the citizens of a particular ethnic group.

According to the Office of the United Nations High Commissioner for Refugees, over 130,000 people were forced to flee and their houses bulldozed and levelled — an action labelled effective ethnic cleansing by the Organization for Security and Cooperation in Europe (OSCE). International Crisis Group recently determined that the perpetrators "systematically looted, torched and in some cases bulldozed most ethnic Georgian villages". The Parliamentary Assembly of the Council of Europe called those abuses "ethnic cleansing". In a cynical move, occupational military

installations are being built in place of the emptied villages.

Now, having succeeded in effectively restoring a sphere of privileged interest or, perhaps more accurately, a sphere of violent occupation, that country has determined to get rid of any inconvenient witnesses, international monitors and observers. Within the past two months, Russia used its veto powers in the OSCE and the Security Council to terminate two important international missions in Georgia, the OSCE Mission to Georgia and the United Nations Observer Mission in Georgia.

In conclusion, I would like to support the initiative of the Hungarian Government to establish the Budapest Centre for the International Prevention of Genocide and Mass Atrocities. We stand ready to cooperate with the Centre by providing materials and documents that would help us to better understand a variety of early warning indicators on the possible misapplication of the noble doctrine of the responsibility to protect.

Mr. Desmoures (Argentina) (*spoke in Spanish*): My delegation is grateful for the convening of this meeting, which we deem to be timely and appropriate. Implementing the responsibility to protect demands careful and detailed debate, and we believe that the General Assembly is the right place for such a discussion.

Argentina welcomes the report presented by the Secretary-General, as contained in document A/63/677, entitled "Implementing the responsibility to protect". At the same time, it should be recognized that this document is an important basis for dialogue and debate in the context of the General Assembly on the role of the United Nations in implementing the responsibility to protect.

I wish to underscore my country's interest in and commitment to this topic. Argentina plays a leading role in the defence of humanitarian causes at the international level through its determined activism on causes linked to preventing, mitigating and finding solutions to situations of systematic and mass violations of human rights. In this context, I stress the importance of the 2005 World Summit Outcome (resolution 60/1), which sets out the commitment of heads of State and Government to the concept of the responsibility to protect. Paragraphs 138 and 139 of that document signal the will to see this responsibility transformed from words into practice, and attest to the close interrelationship among human rights, peace and international security, noting that many threats to peace are interrelated and that development, peace, security and human rights are mutually reinforcing.

The obligation of States to protect is nothing more than the synthesis of other international obligations, full compliance with which would prevent the four crimes in question from being committed. Argentina interprets the fundamental component of prevention as encompassing, among other norms, the critical respect for human rights, refugee law and international humanitarian law.

Likewise, the Rome Statute of the International Criminal Court has great potential to be a useful instrument in the prevention of these serious crimes. Today, the Statute has 110 signatories, and my country urges those States that have not yet ratified it to do so.

It is an undeniable reality that certain countries lack sufficiently developed State structures to fully meet their obligations to protect their populations. In this respect, we agree with other speakers that United Nations programmes should integrate, directly or jointly with programmes of regional organizations, the responsibility to protect into their capacity-building efforts.

With regard to the three-pillar strategy presented in the Secretary-General's report, my delegation agrees and supports the recommendations linked to pillar one, which confirms that each State has the responsibility to protect its population.

Furthermore, with regard to capacity-building and international assistance, we support cooperation activities related to practical policies that contribute or could contribute to the fulfilment of that commitment. We agree with the statement in the Secretary-General's report that "[p]revention, building on pillars one and two, is a key ingredient for a successful strategy for the responsibility to protect" (*A/63/677, para. 11*).

With regard to pillar three on mounting a timely and decisive response, Argentina believes that it would be very useful for the United Nations system to adopt measures to implement the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

In conclusion, we believe that the General Assembly should pursue its consideration of this matter

and reflect further upon it, as recommended in paragraph 139 of the 2005 World Summit Outcome Document, in order to implement the responsibility to protect.

Mr. Ajawin (Sudan): At the outset, my delegation would like to take note of the report of the Secretary-General on implementing the responsibility to protect, as contained in document A/63/677. My delegation would have preferred the General Assembly to debate the concept of the responsibility to protect prior to the preparation of such a comprehensive report, as has been the norm in the United Nations.

My delegation also aligns itself with the statement made by the Ambassador of the Arab Republic of Egypt on behalf of the Non-Aligned Movement.

Paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) have generated a sea of intellectual and diplomatic controversy as to the precise interpretation and implementation mechanism of the notion of the responsibility to protect (R2P). At the centre of these controversial debates is the delicate balance between respect for State sovereignty and the need for intervention in States' affairs under the pretext of humanitarian intervention, which, when legitimized, becomes the responsibility to protect.

Our understanding of paragraphs 138 and 139 is based on the following. Paragraph 138 merely reaffirms and restates the legal duties of a sovereign State to protect its citizens or population from genocide, war crimes, ethnic cleansing and crimes against humanity. These duties are conferred on the sovereign State by what is known in political philosophy jurisprudence as the social contract between the governed and the governor or between the crown and its subjects.

Likewise, paragraph 139 can be divided into, on the one hand, a reaffirmation of the commitment of the Members of the United Nations to Chapters VI and VIII of the Charter, and, on the other, the use of force. It is the second part of that paragraph that introduces intervention by use of force, if and when necessary, under the pretext of the responsibility to protect.

First, there is a tendency to misinterpret the notion of the responsibility to protect to mean the right of intervention in the affairs of a sovereign State. Secondly, some contend that discussions about the notion of the responsibility to protect were finalized in the 2005 World Summit Outcome, and that there is no room for other interpretations or further negotiations.

This could be true in that there is a worldwide consensus that the Summit reaffirmed the role of the State in protecting its citizens from crimes against humanity. However, there is still no consensus as to the applicability of R2P to our political realities. Those misinterpretations are precisely why the majority of countries are apprehensive and cautious about the debate surrounding the idea of R2P.

My delegation strongly believes in the notion of non-interference as articulated in paragraph 4 of Article 2 of the United Nations Charter, which states that:

> "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

That article is very much in the spirit of the Treaty of Westphalia, which emphasized that international relations must be based on mutual respect and that every State shall refrain from interfering in the affairs of others.

This doctrine of non-interference is the glue that has kept countries together and motivated them to work collectively for international security, which culminated in the creation of the United Nations. It is only when the cardinal principle of non-intervention is violated that international peace and security are threatened.

A case in point was when Hitler used force to defend ethnic Germans in the Sudetenland as a pretext for his invasion of Czechoslovakia — an example of R2P dating to the Second World War. Similarly, the contemporary political history of interventions in countries such as Iraq and Somalia, to mention just two, has shown beyond doubt that the road to intervention is no bed of roses, but that it can also be thorny.

Moreover, the concept of the responsibility to protect provides no explicit or airtight provisions to allay the fear that one country or group of countries or organizations might abuse this principle. Indeed, the concept of the responsibility to protect is not new at all; what is new about it are the efforts and the school of thought that seek to enshrine it as a concept under

international law — which could be interpreted as the legalization of humanitarian intervention.

Some may argue that humanitarian intervention is not the same as the concept of the responsibility to protect. However, under close scrutiny, we find them to be two sides of the same coin. Humanitarian intervention is defined by *The Concise Oxford Dictionary of Politics* as

> "entry into a country of the armed forces of another country or international organization with the aim of protecting citizens from persecution or the violation of their human rights".

On the other hand, the concept of the responsibility to protect is laid out in paragraph 138, which defines the crimes or violations that warrant the invocation of the concept: genocide, war crimes, ethnic cleansing and crimes against humanity. The second part of paragraph 139 authorizes the use of force as a means of implementing the concept of the responsibility to protect. Therefore, it could be humbly submitted that the concept of the responsibility to protect equals humanitarian intervention.

Some forceful advocates who intend to use the notion of the responsibility to protect as a tool for humanitarian intervention like to point to the 1994 Rwandan genocide as supporting evidence for the possible need for future interference. It is my delegation's contention, however, that the failure of the United Nations to save lives in Rwanda during the 1994 genocide was not due to a lack of authorization within the United Nations Charter, which permits or warrants intervention in accordance with Chapter VII and the provisions and doctrines of international law, but that it was partly due to the lack of decisive decision-making by the top decision makers at the United Nations, coupled with a lack of political motivation on the part of some members of the Security Council.

That was very clear, despite early warnings in 1993 by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions that genocide was a real possibility, as well as by the Force Commander of the United Nations Assistance Mission for Rwanda, Roméo Dallaire, in January 1994, on which the Security Council failed to act. Had Rwanda been one of the countries where some members of the Security Council had economic and political interests, I believe that the genocide would have been promptly stopped.

In a nutshell, what is needed are not romantic words to dress up the failures of the United Nations, but serious reform within the Security Council to achieve the desired paradigm shift towards a world that enjoys security while respecting human rights and the autonomy of States to run their own affairs. Reform that either abolishes veto rights or that gives Africa two permanent seats, pursuant to the African position in respect of Security Council reform, would at least guarantee fairness and respect for Security Council decisions, which have been characterized by apathy and indecisiveness.

However, even if the concept of the responsibility to protect becomes an accepted instrument under international law, its effective use will not be immune to the political influence of some members of the Security Council. To give the Security Council the privilege of being executor of the concept of the responsibility to protect would be tantamount to giving a wolf the responsibility to adopt a lamb.

For my country, which is one of the developing countries, the history of the responsibility to protect to date, be it in earlier centuries or in our modern history, has made us too scared to let down our guard, since we know that it can be misused by some powerful countries to achieve imperial hegemony over less powerful ones.

The way forward should be the establishment of an effective early warning mechanism, as articulated in the report of the Secretary-General, and not the usurpation of the doctrine of State sovereignty.

Mr. Faati (Gambia): We thank the President of the General Assembly for convening this debate to discuss the report of the Secretary-General entitled "Implementing the responsibility to protect" (A/63/677).

My delegation fully associates itself with the statement made by the representative of Egypt on behalf of the members of the Non-Aligned Movement. We would like to express our appreciation to the Secretary-General for a very interesting and informative report, in particular with respect to the issues raised under the three pillars, in the section entitled "The way forward" and in the annex.

My delegation does not have problems with the concept of the responsibility to protect (R2P), as

clearly outlined in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1). We consider the 2005 agreement to be an important historical milestone in our collective efforts to protect civilian populations from the four mass crimes to which this concept applies. My country's record, from the creation of the Economic Community of West African States Monitoring Group in Banjul to our ongoing participation in numerous peace operations around the world, is ample testimony to our commitment to the protection of civilian populations.

We will continue to carefully study our next steps as we embark on the implementation phase of the 2005 agreement. In that regard, we intend to move cautiously and constructively until consensus is reached on all outstanding issues. We will work closely with interested delegations as we put together the building blocks that are necessary for a depoliticized R2P architecture. One of those building blocks would be the elaboration of strategies and mechanisms to bridge the deficit of trust currently existing among members of this house on the way forward.

It would be naive for us to think that we can set the parameters of this debate without referring to history. Any attempt to rush to conclusions that are not anchored in reality and informed by history would lead only to the setting up of a utopian paradise. Recent history — in fact, as recent as the January 2009 war in Gaza — informs us that genuine R2P situations will continue to be treated with the usual political bickering and dithering that have characterized United Nations action or inaction in the past. For that reason, we must anchor the implementation of R2P in rule-of-law-based approaches that will prevent its abuse or misuse by the international community, while allowing flexibility for genuine action. We must find a cure for our collective inertia.

In our deliberations, Africa has become the reference point as a continent that has led the way in fashioning the principle of R2P. Part of the reason for that is the paralysis of the international community and a deep mistrust in the United Nations system, owing to a proven history of inaction over the years with regard to African R2P situations. We believe in the Constitutive Act of the African Union, the regional and subregional arrangements across Africa and how effective they have been in dealing with certain R2P situations.

My delegation would therefore argue that pillar two activities should, first and foremost, take the regional approach into account by addressing capacity constraints. For now, the best lessons are at the regional level, and that is what we are comfortable with. We would like to see an evolving relationship between the United Nations and the African Union in that regard. However, we must not assume that R2P starts with the international community. It starts with States' assuming their sovereign responsibility to protect.

Under pillar three, another important issue that keeps coming up is the notion of timely and decisive response as it relates to the precise roles of the Security Council and the General Assembly in determining what timely and decisive response should entail. We believe that the question of early warning is closely related to that of timely and decisive response. My delegation would like to propose that a mechanism be established in the form of a committee on the responsibility to protect. A committee of such a nature would be mandated to make non-binding recommendations to the General Assembly, the Security Council and regional organizations on R2P situations and on accompanying measures necessary to address particular situations. In its recommendations, the committee could also indicate its views on the use or non-use of the veto in a particular situation.

Such a body would be made up of Member States. Their election could follow the pattern of the Human Rights Council, and there would be no veto-wielding power. The Secretary-General would collate the information on any R2P situation and present it to the committee for consideration. The committee could meet at regular intervals or at the request of its members or other Member States. The offices of the Special Advisers on Genocide and R2P could play an important role in that regard.

The principle of equitable geographical representation could be used to determine the composition of such a committee. I believe that, as a complement to such efforts, an early agreement on a comprehensive global strategy on implementing R2P would also serve to complement the work of the committee.

In putting forward those proposals, we are mindful of the provisions of the Charter with regard to the mandates of the organs of the United Nations. With

negotiations on the democratic reform of the Security Council still moving at a snail's pace, and with the likelihood of abuse of the principle of R2P through politicization, we believe that a more neutral arbiter, such as the representative committee that we are proposing, could be a way out. An analogous example can be found in the way in which the General Committee works. However, we must not forget that, when our leaders adopted paragraphs 138 and 139 of the 2005 World Summit Outcome Document, they also adopted a plethora of institutional reforms, principal among which was reform of the Security Council.

Those are just some of the thoughts that we wished to share with the Assembly. We are ready to work with other delegations as we collectively consider our next steps. We are being told that the concept of R2P is narrow but deep, so our analysis of the report and its recommendations should be nothing less — it should be focused and deep.

Mr. Holovka (Serbia): Serbia welcomes the opening of the debate on the concept of the responsibility to protect, based on the comprehensive and astute report of the Secretary-General (A/63/677). The concept, as agreed at the 2005 World Summit and adopted in its Outcome Document (resolution 60/1), is in no way questionable, as none of us has any doubts about the responsibility of each and every State to protect its population from the four heinous crimes spelled out in paragraphs 138 and 139.

The concept of the responsibility to protect is a necessity that no one can question. However, that necessity is preceded by the notion of the four enumerated crimes, as well as by the existing body of international legal instruments and norms, which some previous speakers have clearly spelled out. Furthermore, that necessity does not in any way imply its legality at this stage. In order for the concept to become part of international law — let alone customary international law — it must first be elaborated fully by the General Assembly and be given a proper test of time as a way to dispel any reason to fear the abuse of noble goals and their perversion into double standards. We must remain aware of the ease with which noble goals and lofty ideas can be utilized for particular purposes and of how paths paved with good intentions can sometimes lead to unjustifiable actions.

The President took the Chair.

It is those possibilities that caution us against hasty decisions and flamboyant rhetoric. We must not forget the recent past, when the now-discredited, hastily composed concept of humanitarian intervention was a highly prized concept championed by some political leaders exerting great influence over the state of world affairs at that time and even today. Can one feel anything but scepticism and irony when recalling the officially declared motives behind the NATO-led bombing of the Federal Republic of Yugoslavia in 1999? Would anyone present here now excuse as collateral damage the killing of more than 2,000 citizens of the former Federal Republic of Yugoslavia — a good number of them ethnic Albanians, whom the intervention was initially supposed to protect — or the destruction of infrastructure that generations of Yugoslavs had worked hard to construct? For that matter, hardly anyone now mentions the "fact" of the supposed 100,000 Serb-inflicted casualties in Kosovo, which was used by NATO as a battle cry, a public relations spin to push reluctant members into action and, ultimately, a pretext for 108 days of bombing. This supposed fact was never mentioned again once its intended result was achieved, but it must not be forgotten when we discuss the concept of the responsibility to protect.

As a further cautionary note, I cannot refrain from quoting the former President of Finland and subsequent United Nations Special Envoy for the Kosovo status process, Mr. Martti Ahtisaari, who, in an interview with CNN on 10 December 2008, gave his view of the responsibility to protect. After acknowledging the fact that the General Assembly had "accepted the principle of responsibility to protect in 2005", he went on to justify it by saying that "if a dictatorial leadership in any country behaves the way Milosevic and company did vis-à-vis the Albanians in Kosovo, they lose the right to control them any more". We wonder if such interpretations of the noble concept of the responsibility to protect truly lead us away from the supposedly defunct concept of humanitarian intervention.

In the light of the foregoing, we must remain committed to the principles of the Charter of the United Nations as a basic reference point for any debate on the reform of the international system, especially in the case of adopting norms with far-reaching consequences that should in time contribute to a level of human conscience that would render the four

heinous crimes inconceivable. In this respect, we wish to emphasize the utmost necessity of strict respect of Chapter VII of the Charter and the competencies of the Security Council. We also believe in the mutual complementarity and interdependence of all three pillars. However, we also see the greatest need for investing genuine effort and resolve in further elaborating the third pillar.

As the very well-prepared and thought-provoking concept note prepared by the Office of the President of the General Assembly states, at this stage there are still a number of misnomers and elements that are problematic. As stated, among them are the elements of a timely and decisive response. One may question what, at this stage, constitutes a timely response and who determines the level of decisiveness. Are we dealing here with a lack of knowledge at an early stage, or is it frequently just the issue of political expediency that takes precedence?

To take the argument one step further, we can argue the case of Srebrenica as an example of the deliberate inaction of the international community in the face of one of the most horrendous crimes in modern history. No one has any right to claim lack of timely knowledge or lack of capacity to act when an atrocious crime was taking place in a United Nations-declared safe haven.

So, why then, one may ask, was there a failure to respond in a timely and decisive manner? Though it is a scant consolation to the survivors and the families of the victims, the Srebrenica massacre has at least been recognized as such. However, it should be mentioned that that has not been the case with regard to the killing of some 3,000 Serb civilians in the villages around Srebrenica by the notorious Bosnian warlord Naser Oric, who resided with his troops in Srebrenica between 1992 and 1995 and who launched his attacks on Serbian villages from there unopposed. According to testimony of witnesses, not only did he have command authority in such crimes, which has been a basis for the condemnation of a number of Serb generals, but he was also involved personally in the killings. However, he was released by the Hague Tribunal after only two years.

We could further recall the unanswered plight of internally displaced persons and refugees who were forced to flee Kosovo following the arrival of NATO troops, as well as in Croatia following Operation Storm. Those examples teach us that all crimes must be treated equally. If better relations and a brighter future within the region involved are desired, all perpetrators must receive punishment.

To sum up, we wish to reaffirm our commitment to the concept of the responsibility to protect as defined in the 2005 World Summit Outcome Document. We wish to believe that its elaboration and ensuing implementation will lead us away from dreadful examples like the ones I have just cited. But for that very reason, we cannot forsake the necessity of discussing the concept in a comprehensive and all-inclusive manner, without any imposed constraints. The responsibility placed upon us is too great not to do so.

Mr. Tommo Monthe (Cameroon) (*spoke in French*): The issue before us is an important one because of the questions and challenges it raises with respect to the individual and collective consciences of States, peoples and nations as they live their individual and shared destinies, and also, and in particular, in terms of their perception of humankind through time and space.

Recalling certain salient gloomy historical facts, the Secretary-General writes in his report that

> "the brutal legacy of the twentieth century speaks bitterly and graphically of the profound failure of individual States to live up to their most basic and compelling responsibilities, as well as the collective inadequacies of international institutions" (*A/63/677, para. 5*)

and that

> "the worst human tragedies of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor, medium-income and relatively affluent countries". (*para. 6*)

The report is extremely illuminating from all standpoints, as supported by the presentation made by Secretary-General Ban Ki-moon and by the additional comments made by his Special Adviser, Mr. Edward Luck, during the interactive debate, which, on 21 July, preceded this series of meetings and enabled renowned panellists and representatives of non-governmental organizations and States to carry out a preliminary exchange of views in advance of the current discussion. Just as illuminating and useful is the

concept note of the President of the General Assembly, transmitted to Member States on 17 July 2009, and the introductory statement he made during the interactive debate.

In view of the foregoing, Cameroon would like to make the following comments on the issues before us in this debate.

First of all, because the question is so complex and because of our concern to achieve a concrete outcome, we should be as pragmatic and practical as possible with respect to methodology, and should work in a spirit of great prudence, avoiding the path of dogmas and assumptions that could only sour or protract our debates. In this regard, and reviewing the relevant portion of the 2005 World Summit Outcome Document (resolution 60/1), in particular the title and content of paragraphs 138, 139 and 140, whose negotiation and drafting we closely followed as Special Adviser to Jean Ping, President of the General Assembly at its fifty-ninth session, we would note, first of all with respect to the title, that two currents of opinion were voiced at the time.

The first suggested that the simple title "Responsibility to protect" implied an evolving concept, broad in scope and focused on the creation of a new norm. The other viewpoint represented more of a practical approach, clearly and restrictively indicating specific subjects of great concern, which are already well defined and which would leave no room for any legal hair-splitting. Therefore genocide, war crimes, ethnic cleansing and crimes against humanity would be identified in the title.

In their great wisdom, the heads of State or Government unanimously opted for the second alternative. Hence the longer title that appeared in the 2005 World Summit Outcome and the unambiguous mandate that was given to the General Assembly: not to seek a new norm, as has sometimes been suggested in this current debate, but instead — and I quote paragraph 139 of the 2005 World Outcome — "to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

This means that, from the standpoint of the 2005 World Summit, in which President Paul Biya of Cameroon took an active part, and as clearly underscored by the representative of the Secretary-General at the aforementioned interactive debate, the responsibility to protect is not a legal concept but a political one. We should therefore operationalize it in strict compliance with the spirit and the letter of the restricted scope of the four crimes identified by our heads of State or Government. The Assembly would go beyond its mandate if it extended this to other endeavours. Cameroon would not follow it on this risky path, because it is a slippery slope.

With respect to the very substance of the issue, as set forth by the Secretary-General in his report, we take note of the three pillars upon which this reasoning is structured.

On the first pillar, the heads of State or Government could not have been clearer. There were almost 180 of them, a rarely equalled quorum, and they proclaimed, as if recalling the solemn oath they took before their peoples:

> "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it." (*resolution 60/1, para. 138*)

President Paul Biya stood with his peers in this solemn proclamation. In Cameroon, which is a veritable mosaic of peoples and cultures and is an Africa in miniature, he, as head of State, assumes his high office with clarity, tolerance, level-headedness, justice and equity, always affirming the rule of law, democracy and human rights in a methodical quest for cohesion and national unity and a fight against corruption and all the scourges that could prepare the ground for the centrifugal forces of destruction in an extremely challenging African and global environment. His wife, Mrs. Chantal Biya, was appointed as a UNESCO Goodwill Ambassador because of her good works and social efforts in Cameroon and in Africa.

Our country is party to nearly all the international human rights instruments. Cameroon has already submitted itself to the scrutiny of the African Peer Review Mechanism and that of the Human Rights Council through the universal periodic review. The lessons of humanitarian law and other legal principles in cases of armed conflict are included in our educational programmes, particularly those for the law enforcement community. Our national Human Rights

Commission and the Ministry of Labour manage the social tensions that stem from contentious relations. Lastly, an annual national report on human rights is regularly issued.

With respect to pillar two, assistance and capacity-building, we endorse the proposals aimed at supporting States who request capacity-building assistance in protecting their populations against the four aforementioned crimes or the threat of such crimes. In this regard, wisdom tells us that it is better to prevent than to treat. This is why Africa has presented to the United Nations and its other development partners requests for assistance in the areas of peacekeeping operations and post-conflict peacebuilding.

Central Africa, for example, has requested, within the framework of the Economic Community of Central African States, the strengthening of the Subregional Centre for Human Rights and Democracy in Central Africa and of the institutions of the Council for Peace and Security in Central Africa, including its early warning system and the establishment of a United Nations subregional office in Central Africa.

With respect to pillar three, namely timely and decisive response by the international community to protect populations from the four crimes identified at the 2005 Summit, we believe that, at this initial stage and as decided by our heads of State or Government, we need to move cautiously on a case-by-case basis, focusing once again on prevention, the use of peaceful means and cooperation with local institutions and personnel. The heads of State or Government also decided that any protection action would be multilateral and would take place within the framework of the United Nations, particularly the Security Council, if the enforcement option proves appropriate.

To be in a position to better shoulder this responsibility, the United Nations must itself be strengthened and democratized. In the Secretariat, for example, the Offices of the advisers to the Secretary-General, the Peacebuilding Support Office, the Mediation Division and certain functional divisions of the Departments of Political Affairs, Peacekeeping Operations and Field Support that deal with the questions that we are debating must be reassessed in terms of the quantity and quality of their administrative framework, their programmes and their financial and human resources. Revitalization of the Assembly, particularly its powers in terms of launching alternative action should the Security Council fail with respect to the four aforementioned crimes, deserves renewed attention. Finally, reform of the Security Council to make it more representative and democratic in its working methods should be accelerated. In our view, the effective functioning of the third pillar depends on all those considerations.

We are in the twenty-first century. While we agree on the fact that the interdependence and globalization resulting from the prodigious developments in science and technology — more specifically, the new information and communications technologies — instantaneously bring us close to — if not right next to — one another, we continue to think and act narrow-mindedly, forgetting that history calls us to new heights to collectively assume the full dimension of the human condition that all of us carry within ourselves.

The President (*spoke in Spanish*): I now call on the observer of the Holy See.

Monsignor Bharanikulangara (Holy See): Four years ago, the largest gathering of heads of State took place at the United Nations in order to draw attention to the need to create a United Nations system more capable of responding to the exigencies of an ever-changing world. There, world leaders affirmed in particular the responsibility of all nations and the international community to protect people from the threat of genocide, war crimes, ethnic cleansing and crimes against humanity.

As outlined in the 2005 World Summit Outcome Document (resolution 60/1), the responsibility to protect is guided by three mutually reinforcing and supportive elements. The first priority is for national Governments to exercise their authority in a way that protects individuals and populations from future mass atrocities. National and local authorities who fail to intervene to protect their own civilians or actually work to help perpetrate crimes fail in their basic functions and should face legal responsibility for their actions and their inaction.

In that regard, a human-centred approach to developing policies to protect populations from grave violations of human rights and to developing humanitarian law and other internationally agreed legal standards represents a vital component of the fulfilment of national responsibility. Further, national

policies that foster greater inclusion and protection of religious, racial and ethnic minorities remain key priorities in fostering greater dialogue and understanding between and among populations.

The second pillar is the role of the international community in building the capacity of States to protect their own populations. The international community has a moral responsibility to fulfil its various commitments. By providing financial and technical support, the international community can help to create means and mechanisms for responding quickly to evolving humanitarian crises. In that regard, local organizations, including faith-based organizations, with long-term knowledge and understanding of the region in question provide vital support in building cultural and religious bridges between groups. In addition, greater financial support from developed countries to alleviate extreme poverty serves to help reduce long-term economic and political divides and helps to ease some of the motivating factors behind violence. Promoting the rule of law at the national and international levels provides the framework for preventing ongoing injustices and the mechanism for ensuring that those responsible for perpetuating these crimes are held accountable in a way that promotes justice and lasting peace.

The third pillar of the responsibility of the international community, to intervene when national authorities fail to act, often draws the greatest scrutiny. Unfortunately, this element has too often focused solely on the use of violence in order to prevent or stop violence, rather than on the various ways in which intervention can be carried out in a non-violent manner. Timely intervention that places emphasis on mediation and dialogue has greater ability to promote the responsibility to protect than military action. Binding mediation and arbitration present an opportunity for the international community to intervene in a manner that prevents violence.

If the third pillar is to gain momentum and efficacy, further efforts must be made to ensure that action taken pursuant to the powers of the Security Council is carried out in an open and inclusive manner and that the needs of the affected populations, rather than the whims of those engaging in geopolitical power struggles, are placed in the forefront. It is therefore imperative that those countries in a position to exercise their authority within the Security Council do so in a manner that reflects respect for human rights and the very right to exist, as well as the selflessness needed to take an effective, timely and human-centred approach to saving people from grave atrocities.

Finally, in addition to national and international institutions, religious and community leaders have an important role in promoting the responsibility to protect. Too often in many regions of the world, ethnic, racial and religious intolerance have given rise to violence and the killing of people. The exploitation of faith in the furtherance of violence is a corruption of faith and of people, and religious leaders are called upon to challenge such thinking. Faith should be seen as a reason to come together rather than to divide, for it is through faith that communities and individuals are able to find the power to forgive so that true peace can emerge.

While it took the international community many years to come to the agreement expressed in the World Summit Outcome Document, it is my delegation's hope that it will be implemented as fully as possible so that succeeding generations will be spared the agony that genocide, war crimes, ethnic cleansing and crimes against humanity have caused the entire global community.

The President (*spoke in Spanish*): I now call on the observer of Palestine.

Ms. Abdelhady-Nasser (Palestine): Palestine aligns itself with the statement delivered earlier in this debate by the representative of Egypt on behalf of the members of the Non-Aligned Movement (see A/63/PV.97). We seek to constructively join this debate by focusing on various key factors having an impact on the efforts to develop and implement the responsibility to protect (R2P) on the basis of respect for well-established and universally accepted legal norms and principles, particularly with regard to the protection of civilians, the protection of human rights, the provision of humanitarian assistance and the promotion of peace and security.

At the September 2005 World Summit, heads of State and Government committed to strengthening international institutions, particularly the United Nations, so that global challenges could indeed be met with global responses. To that end, they adopted a reform agenda, including, inter alia, the responsibility to protect and other initiatives to address the root causes of conflict: a stronger human rights mechanism, a Peacebuilding Commission to prevent countries

emerging from conflict from sliding back into violence and a standby reserve of peacekeepers and civilian police.

Perhaps the most challenging concept endorsed then was the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and the assertion of preparedness to take collective action to uphold this responsibility.

In this regard, the language of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1) clearly constituted a blanket formula not excluding any population or ignoring the plight of others as inapplicable or irrelevant. In that connection, it is essential to recall the pledge, in paragraph 5 of that document, to establish a new world order where just and lasting peace prevail in accordance with the principles of the Charter and of justice, including

> "the right to self-determination of peoples which remain under colonial domination and foreign occupation, ... respect for human rights and fundamental freedoms ... and the fulfilment in good faith of the obligations assumed in accordance with the Charter".

Yet, despite the recognition that all populations are entitled to such protection, we find that relevant literature on the issue, including the Secretary-General's important report (A/63/677), to be somewhat selective, focusing on some situations while ignoring others. This does not contribute to promoting the concept and could erode the comprehensive support it needs to succeed at this critical stage. A perception that certain actors in the international community are tailoring this concept to fit specific cases and meet certain interests would only lead to more doubt about the real intentions behind it, impeding development of this important doctrine and countering the aim of the 2005 World Summit Outcome.

If protection purposes are at the centre of this exercise, then our collective effort must concentrate on formulating ways to ensure respect for the set of core international standards, including the Charter, the Universal Declaration of Human Rights, international humanitarian and human rights law and relevant United Nations resolutions. We must also agree on ways to ensure that this respect is maintained and that violations can be addressed on a case-by-case basis, in a proper and timely manner. In other words, to stay true to the principles we aim to uphold, it is our collective responsibility to develop a global political consensus that can enable the necessary action within the international system, particularly through the United Nations, in all appropriate cases.

Our aim, then, must not be to add a new concept to the international system that will trap us in an endless discussion on how and where it must or can be applied. Instead, this endeavour requires deeper understanding of and respect for the core international standards the concept entails. To that end, and in order to overcome fears that R2P will become a selective tool exploited by some to intervene in the domestic affairs of others, we must agree that countries should lead by example, particularly in the case of principal advocates of the concept.

In this regard, it should be unacceptable for a country to advocate this and other similar concepts, preaching human rights and calling for intervention while, at the same time, ignoring abhorrent and systematic breaches of human rights, war crimes and crimes against humanity by others, including allies. Such double standards have, regrettably, obstructed attempts in the international arena to protect civilian populations entitled to and desperately needing protection in several cases.

When speaking of vulnerable populations whose rights and lives are being violated, we cannot ignore the plight of those among the most vulnerable: peoples living under foreign occupation, denied their inalienable right to self-determination and subjugated under a brutal reality dictated by their oppressor.

In this regard, it is undeniable that the failure of an occupying Power to meet its obligations in accordance with international law, particularly with regard to the protection of civilians, typically results in a vast humanitarian, human rights and political tragedy whose short- and long-term consequences on the occupied population are devastating. The perpetuation of such circumstances — despite the clear provisions of international law intended to prevent such oppression, collective punishment and violence against civilian populations — exposes a moral and legal failure of those whose duty it is to ensure that such disasters are prevented and yet stand idly by watching human misery and hardship mount.

In this connection, while the R2P doctrine places primary responsibility on the State in question, it also

highlights the collective responsibility of States for protecting any civilian population facing genocide, war crimes, ethnic cleansing or crimes against humanity.

At this juncture, it is imperative to recall that the Palestinian people have suffered from the violation of their human rights and countless war crimes at the hands of Israel, the occupying Power, for decades. That is why their protection and the way in which the international community responds to their ongoing suffering remain one of the most fundamental legal and moral tests the international system has been facing for more than 60 years, including in the context of the global attempts to advance human rights and to protect civilians in armed conflict, including through the responsibility to protect. Continuing to turn a blind eye to their need for and entitlement to protection will continue to cast shadows of doubt on the very credibility and viability of our principles.

In this vein, the role of the Security Council is crucial, as that organ is entrusted with the maintenance of international peace and security. If we are to apply the R2P doctrine effectively, we must ensure that the Security Council acts in good faith, without selectivity and with strict adherence to the Charter and international law, for the promotion of international peace and security rather than the narrow interests that have inhibited the Council from fulfilling this most crucial responsibility.

I wish to conclude with the words of the United States civil rights leader Martin Luther King, who so eloquently stated:

> "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

That is at the core of the principle we deliberate today.

The President: We have come to the conclusion of these important deliberations on the complex and controversial concept of the responsibility to protect (R2P), which began last Tuesday with the Secretary-General's presentation of his recommendations on the implementation of the R2P concept (see A/63/PV.96). Some viewers of these proceedings, which included a special interactive thematic dialogue on Thursday morning, have commented that this may have been the most intense and extensive discussion of R2P to date.

I agree. And I find it very appropriate that this debate has taken place within the forum of the General Assembly. I think we can agree that this dialogue must continue here in the General Assembly and that, given the range and diversity of opinions, concerns and reservations expressed by Member States and by our extraordinary panel of experts, it would be fair to say that we are far from reaching consensus on how to move the principle of R2P from theory to operation, much less make it part of international law.

This discussion has been preceded by serious intellectual work, including the 2005 World Summit Outcome Document (resolution 60/1); the 2004 report of the High-level Panel on Threats, Challenges and Change (see A/59/565); the then-Secretary-General's report "In larger freedom: towards development, security and human rights for all" (A/59/2005); and the present Secretary-General's report "Implementing the responsibility to protect" (A/63/677); as well as the work of the International Law Commission and legal scholars and judgments of the International Court of Justice. The concept note prepared by my Office drew on that legal background.

I want to thank the Secretary-General for his dedication to R2P. I also want to thank the panel of scholars and statesmen — Gareth Evans, Noam Chomsky, Jean Bricmont and Ngugi wa Thiong'o — who set the stage for these proceedings with the interactive thematic dialogue that took place last week. We are indebted to each of them for honouring the United Nations with their presence and their stimulating insights.

Over the past few days, we have heard from many sides of this discussion, with 94 statements from Member States. Members' thoughtful interventions reflect the great interest they have in this concept and in the real problem it seeks to address. You, the members of the Assembly, have done what the World Summit Outcome Document of 2005 asked you to do, which is to further consider this subject and study all its implications.

At the same time, the Summit document had said that any Chapter VII action has to be in conformity with the United Nations Charter and international law, considered on a case-by-case basis. The majority of Member States have confirmed that this is their perception. Any coercion has to be under the existing collective security provisions of the United Nations

Charter, and only in cases of immediate threat to international peace and security. Keeping these concerns regarding military intervention and sovereignty in mind, we are unified in our conviction that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity.

Many Member States have dwelt on the lessons of history, as indeed did several of the panellists, and have come to the conclusion that we cannot avoid addressing the issue of reform of the Security Council and the issue of the veto. Similarly, many Member States have spoken of the root causes of R2P situations and highlighted the urgency of addressing development issues.

Some Member States have also expressed a strong concern that the United Nations should not take the enormous leap to make R2P operational as it is formulated at present. In responding to massive failures by Governments to protect their populations, we should not fall back on double standards that would ultimately unravel the credibility of international law and of the United Nations itself.

The proponents of R2P, as I noted in my opening address (see A/63/PV.97), have the best of intentions in pushing for the implementation of this concept. I share their commitment to strengthening the United Nations as the last best hope for preserving our common humanity and our Mother Earth. But clearly, the reservations that have been raised by many Member States about how to truly ensure our collective security must be the subject of further deliberation in the General Assembly.

Many of you have highlighted the reasons why so many of us hesitate to embrace this doctrine and its aspirations. Recent disastrous interventions give developing countries strong reason to fear that laudable motives can end up being misused, as so often in the past, to justify interventions against weaker States. We must take into account the prevailing lack of trust in most developing countries when it comes to the use of force for humanitarian reasons.

It appears that we may be on firmer ground, with a strong majority of Member States favouring an approach that focuses our efforts on finding ways to prevent such crises from occurring, not only by crisis management, but also by dealing with their root causes. Quite often, those causes involve poverty, underdevelopment and social exclusion. Due attention should therefore be directed towards exploring the true potential of preventive United Nations action. We should thereby avoid any impression of a continuum from diplomatic means, through coercion, to the use of force.

I also want to recall the benchmarks for assessing the real value of R2P that I proposed in my opening address.

First, do the rules apply in principle, and is it likely that in practice they will be applied equally to all nation-States, or is it more likely that the R2P principle would be applied only by the strong against the weak?

Secondly, can we be confident that adoption of the R2P principle in the practice of collective security will enhance respect for international law rather than undermining it?

Thirdly, is the doctrine of R2P necessary? And, conversely, does it guarantee that States will intervene to prevent another Rwanda?

And fourthly, if R2P is adopted, do we have the capacity to enforce accountability on the part of those who might abuse the right that this principle would give nation-States to resort to the use of force against other States?

Reviewing the remarks of Member States, it would appear that the answer to each of these questions, all of which relate to the use of armed force for implementation of R2P, is at best uncertain.

I find that my personal view, which I expressed in my opening remarks, is also reflected in the statements of many Member States: R2P is and should remain an important aspirational goal. We should all be willing to support collective action, not just to preserve international peace, but to assure a minimum level of security in all its dimensions, including, today especially, the economic dimension. But we need to ensure that all the elements are in place to make this a viable and consistent legal norm.

There are many ways to improve our system of collective security, and many ways to demonstrate our solidarity with and concern for all of our fellow human beings. Let us be sure that we are rebuilding our broken system of collective security, and let us, by first demonstrating generosity and flexibility in fixing our

broken global economic system and architecture, prove that we are indeed prepared to build a better world.

By and large, the United Nations already has the institutional instruments necessary to deal with those challenges. Yet, political constraints have prevented them from being used to their fullest capacity to promote true human security. I believe that this dialogue has contributed to a common understanding of the urgent steps required to deal with those challenges and to strengthen the United Nations so that it can fulfil its mandates.

Let us continue to search for solutions that truly protect our people and enable them to live in prosperity and dignity.

(*spoke in Spanish*)

I shall now call on those representatives who wish to speak in exercise of the right of reply. May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second and should be made by delegations from their seats.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I have been informed that the representative of Georgia used this debate on the important and complex topic of the responsibility to protect to make blatantly anti-Russian comments. I believe that, since he went so far as to exploit this debate to speak about the tragic events of August 2008, he might usefully have offered an analysis of the actions of his own Government and Administration in the context of the responsibility to protect.

We all know the history of the conflict that was the backdrop of the events of August 2008. In the early 1990s, the President of Georgia declared that peoples other than Georgians living in the territory of Georgia — Abkhazians and South Ossetians — did not exist. He denied their autonomy and declared that all those living in the territory of Georgia were Georgians. When Abkhazians and South Ossetians resisted such a tree interpretation of history and ethnic problems, the response was violence. Tbilisi unleashed a war against Sukhumi and Tskhinvali, and when that war ended in defeat, titanic political efforts — including on the part of Russia — were required to establish a peacekeeping regime and prevent further outbreaks of violence against Abkhazia and South Ossetia.

Over time, there have been genuine opportunities to reach agreement. In the relations between Tbilisi and Tskhinvali, such an opportunity arose in 2004. However, President Saakashvili did not want to seek solutions that, by definition, should have served the interests of the South Ossetians and the Abkhazians. Despite his many promises — including public pledges — not to use force against the South Ossetians and Abkhazians whom he had classified as Georgians, he mounted a treacherous heavy artillery attack against the small city of Tskhinvali on the night of 7 to 8 August.

How could those actions by the Georgian leadership be in keeping with the responsibility to protect? I do not want to get into a lengthy explanation here of the actions of the Russian Federation here. We had an opportunity to do so when Russian peacekeepers came under direct fire from Georgian artillery and aircraft and when Georgia directly fired on schools and houses, including senior citizen housing. It was very clear that this was a military operation carried out by Georgian troops. Its code name was Operation Clear Field, which clearly revealed that its primary goal was to carry out ethnic cleansing to clear out the South Ossetians and the Abkhazians. All the relevant documents related to the plans of the Georgian leadership are now well known.

Russia did the only thing it could do under the circumstances. It saved the South Ossetians and Abkhazians from destruction and took the very difficult decision to recognize them and guarantee their protection from Tbilisi's aggressive action against those peoples of the Caucasus. We expect that the European Union will play a role in this, since its observers have been deployed along Georgia's borders with South Ossetia and Abkhazia in order to prevent further Georgian aggression.

By acting as it did, Russia saved the lives, honour and dignity of the Abkhazian and South Ossetian peoples and other peoples of the Caucasus. Ultimately, by thwarting President Saakashvili's criminal intentions, Russia provided Georgia and its people with an opportunity to establish normal relations with its neighbours.

Unfortunately, given Georgia's military actions along the borders of South Ossetia and Abkhazia and its political and diplomatic behaviour, we see that Georgia continues to think not in terms of peace, but in

terms of fomenting political and military hysteria. Furthermore, we believe that today's statement by the Georgian representative is unwarranted, is not constructive and in no way contributes to finding a solution to the problem of the Caucasus. Rather, it exacerbates the impasse and dead-end policies of President Saakashvili and his relations with South Ossetia and Abkhazia.

Mr. Lomaia (Georgia): I would like to briefly respond to what we have just heard from the representative of Russia. It was a desperate attempt to save face and try to justify what has been universally condemned as a misapplication of the noble principle of the responsibility to protect, the unlawful and illegal recognition of the two Georgian territories of Abkhazia and South Ossetia, and the illegal military occupation of those territories and their subsequent ethnic cleansing of ethnic Georgians.

What I can add is that the arguments and the justifications that we have presented can be used to preclude any future attempt to misuse and abuse this noble concept in our part of the world or elsewhere.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I am obliged to state that Russia, acting on the basis of Article 51 of the Charter of the United Nations in exercise of its right to self-defence against Georgian troops firing directly on its peacekeepers, never sought to position its actions within the framework of the inchoate concept of the responsibility to protect. I find it very interesting that the Georgian representative should refer to this, because he himself probably believed that it was a situation in which Russia could not provide assistance.

In fact, that was not the case. We could not countenance the sin of a second Srebrenica, which would have occurred had we remained hapless observers to the senseless crimes of the Georgian regime.

I repeat, however, that it would have been useful to analyse the responsibility to protect with respect to the policy of the Georgian authorities, the significance of which under international and criminal law is still to be determined by the bodies of international justice.

Mr. Lomaia (Georgia): This is a rare occasion on which I would agree with my Russian colleague. The case brought by Georgia before the International Court of Justice against the unlawful actions of the Russian Federation that led to the ethnic cleansing of Georgians in two provinces of Abkhazia and South Ossetia will be determined soon by that high court.

I would also like to humbly remind my Russian adversary that the responsibility to protect has been cited as a pretext by his own Ministry of Foreign Affairs when it sought to justify the military invasion of Georgia. I would recommend that he read the statements of his own Ministry of Foreign Affairs more thoroughly.

The President (*spoke in Spanish*): I now call on the representative of Chile on a point of order.

Mr. Muñoz (Chile) (*spoke in Spanish*): I simply wish to take note, Sir, of your interesting personal observations upon closing this debate on the responsibility to protect. We could have taken much better note of your comments if the Secretariat had circulated to all delegations in the Hall the written version of your statement, which my delegation — and, I imagine, others — have, unfortunately, not received. Indeed, I see that other delegations have not received a copy of your statement. We would just like to draw attention to that fact, and to thank you for your personal observations and your commitment to the ongoing discussion on the important topic of the responsibility to protect.

The President (*spoke in Spanish*): The General Assembly has thus concluded this stage of its consideration of items 44 and 107.

The meeting rose at 5.55 p.m.

United Nations A/63/PV.102

General Assembly
Sixty-third session

Official Records

102nd plenary meeting
Friday, 31 July 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

The meeting was called to order at 10.25 a.m.

Agenda item 48 (*continued*)

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

Draft resolution (A/63/L.77)

The President (*spoke in Spanish*): We shall now proceed to consider draft resolution A/63/L.77. I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department of General Assembly and Conference Management): I should like to inform members that, in connection with draft resolution A/63/L.77, entitled "Establishment of an ad hoc open-ended working group of the General Assembly to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development", I wish to put on record the following statement on financial implications on behalf of the Secretary-General. This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

In operative paragraphs 1 and 2 of the draft resolution, the General Assembly would

> "[Decide] to establish immediately an ad hoc open-ended working group of the General Assembly to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development"; and
>
> "[Request] the Ad Hoc Open-ended Working Group to submit a report on the progress of its work to the General Assembly before the end of the sixty-fourth session."

The establishment of the Ad Hoc Open-ended Working Group of the General Assembly constitutes an addition to the calendar of conferences and meetings for 2009 and 2010. It is estimated that the Ad Hoc Open-ended Working Group of the General Assembly would meet until 13 September 2010 and would hold a total of 16 meetings, with dates to be determined in consultation with the Department of General Assembly and Conference Management, using the conference facilities and services allocated to the General Assembly and its working groups. On the understanding that the Ad Hoc Open-ended Working Group cannot meet in parallel with the General Assembly plenary, and that no two working groups of the General Assembly can meet simultaneously, there will be no additional resources requirement for meeting services of the Ad Hoc Open-ended Working Group of the General Assembly.

As regards the documentation requirements of the Ad Hoc Open-ended Working Group of the General Assembly, it is estimated that one pre-session document comprising 17 pages and one post-session document — the same as an in-session document also comprising 17 pages, will be required in the six official languages. Since the Ad Hoc Open-ended

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

Working Group of the General Assembly is a new body of the General Assembly, these documents constitute additional requirements for the Department of General Assembly and Conference Management, resulting in additional resources requirements of $76,000: for the 17-page pre-session document, $38,000 in the biennium 2008-2009; and for the 17-page post-session document — the same as an in-session document — $38,000 in the biennium 2010-2011. Every effort will be made to absorb these additional requirements from within the appropriation of Section 2, General Assembly and Economic and Social Council affairs and conference management, in the respective bienniums.

In summary, should the General Assembly adopt draft resolution A/63/L.77, the establishment of the Ad Hoc Open-ended Working Group of the General Assembly will give rise to additional requirements totalling $76,000 under Section 2, General Assembly and Economic and Social Council affairs and conference management, of the programme budget for the biennium 2008-2009 — $38,000 — and the proposed programme budget for the biennium 2010-2011 — $38,000. Every effort will be made to absorb these additional requirements in the respective bienniums.

The President (*spoke in Spanish*): The General Assembly will now take action on draft resolution A/63/L.77, entitled "Establishment of an ad hoc open-ended working group of the General Assembly to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development". May I take it that the Assembly decides to adopt the draft resolution?

The draft resolution was adopted (resolution 63/305).

Mr. Fries (Sweden): I thank the representative of the Secretariat for the useful information that we just received.

I have the honour to speak on behalf of the European Union. The following countries align themselves with this statement: the candidate countries Croatia, Iceland, the former Yugoslav Republic of Macedonia and Turkey, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia and the European Free Trade Association country Norway, as well as Ukraine, the Republic of Moldova, Armenia and Georgia.

The European Union welcomes the establishment of the Ad Hoc Open-ended Working Group of the General Assembly. We look forward to participating constructively in its work under the two co-chairs to be appointed from the membership. The follow-up to the Outcome of the Conference on the Financial and Economic Crisis is indeed an important task. The United Nations must seize this opportunity to contribute to ongoing international discussions and processes on mitigating the effects of the current global financial crisis and preventing new ones.

Before the Ad Hoc Working Group can start its work in earnest, its mandate and working methods need to be agreed upon. For instance, the scope of the Working Group needs to be elaborated. We must avoid overlaps with actions mandated by the Conference to the Economic and Social Council and other parts of the United Nations system.

The composition of the Working Group needs to be specified. The European Union is of the opinion that the participation in the Working Group should reflect the participation in the Conference itself. Relevant stakeholders should be part of the discussions in the Working Group. The time frame of the Working Group, and a possible sunset clause, should be considered. The need for Secretariat support for the Working Group should be determined, bearing in mind the need for budgetary restraint.

The European Union is ready to engage in discussions on these and other issues that need to be settled to ensure the efficient and effective functioning of the Working Group.

Finally, since the Working Group will carry out the bulk of its work during the sixty-fourth session of the General Assembly, it is important that the incoming President be well informed of our deliberations on the mandate of the Working Group.

Mr. Wolfe (Jamaica): I have the honour to make this intervention on behalf of the 14 States members of the Caribbean Community (CARICOM).

CARICOM continues to attach great importance to this process, which is critical to the overall effort to address the global financial crisis, which has already severely impacted — and has the potential to further jeopardize — various sectors of our economies. The

fall in commodity exports, tourism revenues, remittances and foreign investment and the concomitant rise in unemployment have been so dramatic that several CARICOM countries have been forced to enter into, or are contemplating, a borrowing relationship with the International Monetary Fund.

The recently concluded Conference on the World Financial and Economic Crisis was, from our perspective, not an end in itself but the beginning of a process. Our countries are small island developing States which have no voice in exclusive groupings, and the United Nations represents the only forum for us to engage on such issues of fundamental importance.

It is in this context that we welcome the adoption of resolution 63/305, which establishes an Ad Hoc Open-ended Working Group to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development (resolution 63/303, annex).

We are of the view that the Working Group should seek to address the following issues: access to concessionary financing and grant funding to small, highly indebted vulnerable countries in response to the crisis; re-evaluation of the criteria to measure the economic sustainability of middle-income countries; the provision of new and additional resources to assist developing countries, in particular the most vulnerable among us, to assist us to rebound from this crisis; the need for a level playing field with respect to the treatment of offshore jurisdictions and the strengthening of the United Nations Committee of Experts on International Cooperation in Tax Matters; and the need for a comprehensive reform of the global financial and economic system in keeping with current realities.

We look forward to an expeditious process of follow-up and implementation. You, Sir, can continue to count on the unwavering support and constructive engagement of CARICOM in this regard.

Mr. Abdelaziz (Egypt): At the outset, I would like to congratulate you, Mr. President, on the adoption of resolution 63/305 on the establishment of an Ad Hoc Open-ended Working Group of the General Assembly to follow up on the issues contained in the Outcome document of the Conference on the World Financial and Economic Crisis and Its Impact on Development (resolution 63/303, annex). I am confident that all States members of the Non-Aligned Movement as well as all members of the Joint Coordinating Committee (JCC) feel comfortable with the adoption by consensus of this resolution and look forward to discussing the scope and modalities of the Working Group in order to facilitate its work and to the substantive discussions thereafter, in order to submit the required report to the General Assembly on the progress made before the end of the sixty-fourth session.

I would like to emphasize that the establishment of the Working Group represents a follow-up to what was agreed on in the Outcome of the Conference and that it will strengthen the ability of the United Nations in undertaking its responsibilities through addressing the crisis in all its operational and structural aspects. These efforts should be coordinated between both developed and developing countries and in a manner that complements international efforts in other forums, such as the Group of 20, whose membership should be expanded to include more developing countries, especially African countries.

Moreover, we look forward to increased coordination between the activities of the Group of Eight and the United Nations, as well as other groups, mechanisms and international and regional financial and economic institutions. We fully trust that increasing such coordination will result in the mitigation of the crisis and its impact in the short term and will prevent its future recurrence.

Previously, during the Conference, we stressed that the international response to the crisis needs to be focused on generating more financial resources in the global economy in the interest of developing countries through providing resources, in full implementation of standing development commitments and in accordance with the outcomes of major United Nations conferences and summits in the economic and social fields, the most recent of which was the Doha Conference on Financing for Development. There is also a need to provide new and additional resources that will contribute to assisting developing countries in addressing the negative impacts of the crisis.

We have also called for exploring new frameworks to provide credit in a more predictable, flexible and conditionality-free manner, as well as for reaching a conclusion to the Doha Development Round in a manner that contributes to providing a strong boost to the exports of developing countries and puts an end

to increased forms of protectionism as one of the responses to the crisis.

We consider it imperative to conduct a comprehensive review of the governance structures of the international financial institutions, particularly the World Bank and the International Monetary Fund. This would aim at making their decision-making processes reflective of the role of developing countries in steering the global economy and putting an end to the macroeconomic policies that are advocated by these institutions, particularly with regard to conditionalities and policy space, while contributing to enhancing the capacities of developing countries in counter-cyclical policies. There is also a need to revitalize the existing agreements between the United Nations and those institutions, with a view to achieving our common development goals.

We further note the importance of determining the means through which we will bridge the expected development financing gap due to the current crisis, and of ensuring that the economic stimulus packages of the advanced industrial States do not lead to new protectionist policies and increased imbalances in the international trade system.

Finally, Mr. President, the JCC stands ready to engage actively under your leadership in enhancing the role of the General Assembly in addressing all issues related to the financial and economic crisis. We trust in your ability and the ability of the President-elect of the General Assembly at its sixty-fourth session to lead our work to complete success.

Mrs. Osman (Sudan): I have the honour to speak on behalf of the Group of 77 and China. We are happy to see the General Assembly formally decide on setting up the Ad Hoc Open-ended Working Group to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development.

The Working Group, as decided in the Outcome, will follow up on the issues discussed at the Conference on the World Financial and Economic Crisis. We look forward to the early appointment of the co-chairs so as to facilitate the commencement of the work of the Ad Hoc Working Group as soon as possible.

Mr. President, we look forward to working with you and our partners in a constructive spirit and a creative manner to address, through the Ad Hoc Working Group, the whole range of issues addressed in the Outcome.

Mr. Normandin (Canada): I have the honour to speak on behalf of Canada, Australia and New Zealand (CANZ). We welcome the establishment of the Working Group in pursuance of resolution 63/305, which we ju adopted. The CANZ countries very much look forward to engaging constructively in the Working Group. Along with others in this Hall we anticipate a process engaging all Member States and led by Member States, with the help of facilitators. Above all, of course, we look forward to addressing the important substantive issue at stake: the impact of the financial and economic crisis on development.

But before doing so the first item of business of the Working Group will be to define and agree on the modalities of the Group, such as the scope and organization of work, working methods, composition, timelines and so on. Once again, the CANZ countries very much look forward to working with all Member States in this important undertaking.

Mr. Gonsalves (Saint Vincent and the Grenadines): Saint Vincent and the Grenadines of course aligns itself fully and enthusiastically with the statements made on behalf of the Caribbean Community (CARICOM), the Non-Aligned Movement and the Group of 77 and China, and has very little to add other than to say that we welcome the adoption of resolution 63/305 and the formation of the Ad Hoc Open-ended Working Group.

Members will recall that the participation of CARICOM heads of Government at the Conference far exceeded the proportional and actual representation of other regions and subregions at the highest level. The high level of participation by CARICOM was indicative of the importance we place on the financial and economic crisis and the role of the United Nations in helping to address the crisis.

None of us are members of either the Group of Eight (G-8) or the Group of 20 (G-20), and the only way in which we can build upon and complement the ongoing work of the G-8 and the G-20 is through the United Nations and the mechanism contemplated by this resolution. We do not share the experiences of some developed countries, which now may see an end, or a bottoming out or the beginning of the end of the financial crisis. In many substantive ways, for Saint

Vincent and the Grenadines the crisis is just beginning. We think it is critical that we remain engaged in substantive matters on the crisis.

The reason for this intervention is to state simply that the contours and mandates and scope of the Working Group are well delineated by the Outcome document itself, which was adopted by consensus as the annex to resolution 63/303. Saint Vincent and the Grenadines believes there is no need to unduly delay ourselves orchestrating the dance of procedural angels on the head of a pin. We believe that the substance of the document is very clear, and we have had working groups before. The urgency of the crisis makes it imperative that we get on with the substantive work as soon as possible and not delay ourselves, as we are wont to do, with procedural niceties.

From the perspective of Saint Vincent and the Grenadines, a number of aspects of the document are of importance to us in a national context, and we would like to highlight some of them. One would be the elimination of unwarranted pro-cyclical conditionalities, in particular from the International Monetary Fund (IMF), that would affect the flexibility to pursue the counter-cyclical measures employed in developed countries. We can find this in paragraphs 17 and 18 of the Outcome. Special considerations for the challenges of middle-income countries and small island developing States and their specific needs are found in paragraph 4 of the document. The need to mobilize an adequate share of any additional short- and long-term resources to be made available to developing countries, and the scaling up of development finance to developing countries are called for in paragraphs 10, 14, 22 and 31 of the document. The need for development partners to meet their official development assistance commitments can be found in paragraph 28 of the text. The need for measures to mitigate the effects of the crisis on the indebtedness of developing States and to avoid a new debt crisis can be found in paragraph 33 of the document. The need for equal, consistent and non-discriminatory treatment of all tax jurisdictions and financial centres and the strengthening of the role of the United Nations Committee of Experts on International Cooperation in Tax Matters can be found in paragraphs 38 and 56 (c) of the document. And of course the ongoing need for further meaningful, far-reaching and substantive reforms of the global financial and economic system and architecture, which of course is set forth throughout the document, as we are all well aware.

The President: Today is an important day, in a very practical sense. I thank all Member States for establishing by consensus the Ad Hoc Open-ended Working Group — a technical and practical necessity. The language of resolution 63/305 is that of Member States, since it reproduces the language of paragraph 54 of the Outcome of the Conference (resolution 63/303, annex), which was negotiated by Member States. It simply responds to what the Outcome of the Conference had asked Member States to do. At high levels, during the Conference, the call was given for the General Assembly to continue to address this issue since the world financial and economic crisis continues to have a negative impact on both the developed and the developing worlds.

As I mentioned in my first letter on the subject, we shall soon announce the names of the two co-chairs — one from the North and one from the South — who together with the members of the General Assembly will determine the details of the work of the Group.

(*spoke in Spanish*)

The General Assembly has thus concluded this stage of its consideration of agenda item 48.

The meeting rose at 10.50 a.m.

United Nations A/63/PV.103

General Assembly

Sixty-third session

Official Records

103rd plenary meeting
Tuesday, 11 August 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann. . . . . (Nicaragua)

In the absence of the President, Mr. Beck (Solomon Islands), Vice-President, took the Chair.

The meeting was called to order at 10.20 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items: request for the inclusion of additional items on the agenda

Note by the Secretary-General (A/63/238)

The Acting President: The General Assembly will now consider a request submitted by the Secretary-General in document A/63/238 relating to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

In document A/63/238, the Secretary-General informs the General Assembly of his letters to the Presidents of the Security Council and General Assembly requesting that a letter dated 27 May 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia, and three letters dated 29 May 2009, 15 June 2009 and 1 July 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda, be circulated as documents of both the Security Council and the General Assembly.

The approval of the General Assembly, as the organ that elects the judges of both Tribunals, would be needed in order to allow for the course of action proposed by the Presidents of both Tribunals, as set out in their letters to the Secretary-General.

In order for the Assembly to consider the requests contained in these letters, the Secretary-General has requested, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-third session of the Assembly of two additional items entitled "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

Owing to the important and urgent nature of the items, unless there is an objection, may I take it that the General Assembly agrees that the relevant provisions of rule 40 of the rules of procedure, which

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would require a meeting of the General Committee on the question of the inclusion of these items in the agenda, could be waived?

It was so decided.

The Acting President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session two additional items entitled "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" under heading I, "Organizational, administrative and other matters"?

It was so decided.

The Acting President: In his note, the Secretary-General further requests that the items be considered directly in plenary meeting. May I take it that the General Assembly, as requested by the Secretary-General, wishes to consider these items directly in plenary meeting?

It was so decided.

The Acting President: I should like to inform members that the items just included become items 159 and 160, respectively, on the agenda of the current session.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The Acting President: I now invite the attention of the General Assembly to document A/63/L.78, circulated under agenda item 29, "United Nations Relief and Works Agency for Palestine Refugees in the Near East". Members will recall that the General Assembly concluded consideration of agenda item 29 at its 64th plenary meeting on 5 December 2008.

In order to enable the General Assembly to consider the draft decision, it will be necessary to reopen consideration of agenda item 29.

May I take it that it is the wish of the General Assembly to reopen consideration of agenda item 29?

It was so decided.

The Acting President: Members will recall that, at its 2nd plenary meeting on 19 September 2008, the General Assembly decided to allocate agenda item 29 to the Special Political and Decolonization Committee (Fourth Committee).

In order for the General Assembly to proceed expeditiously with the consideration of the draft decision issued as document A/63/L.78 under the item, may I take it that it is the wish of the General Assembly to consider agenda item 29 directly in plenary meeting under heading A, "Maintenance of international peace and security"?

It was so decided.

The Acting President: May I further take it that the Assembly agrees to proceed immediately to the consideration of agenda item 29?

It was so decided.

Agenda item 29 (*continued*)

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Draft decision (A/63/L.78)

The Acting President: We shall now proceed to consider draft decision A/63/L.78.

I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): I would like to inform Member States that this oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

By paragraph 1 of the draft decision, the General Assembly would "decide to reschedule the high-level meeting to 24 September 2009, mindful of the need to ensure the participation of Member States at the ministerial level".

Pursuant to the decision of the Assembly and based on the latest conference servicing requirements communicated to the Department for General Assembly and Conference Management (DGACM) by the New York office of the United Nations Relief and

Works Agency for Palestine Refugees in the Near East (UNRWA), it is envisaged that the high-level event organized by UNRWA will be held in New York on 24 September 2009 for one meeting with simultaneous interpretation in all six official languages. Documentation requirements would consist of one outcome document of up to two single-space pages to be issued in all six official languages. No other documentation is foreseen at this time.

Conference servicing requirements of the high-level event is estimated at $16,300. Since conference services were planned in advance to be provided from the resources allocated for the activities of the General Assembly itself in connection with resolution 63/91, DGACM made advance provisions for this event. Therefore, should the General Assembly adopt the draft decision, there will be no additional conference servicing implications under section 2, "General Assembly and Economic and Social Council affairs and conference management", of the programme budget for the biennium 2008-2009.

Public information requirements of the high-level event are estimated at $11,000 under section 27, "Public information", of the programme budget for the biennium 2008-2009, and include the rental of television equipment, the engagement of temporary services of a television camera director, six contractual engineering personnel, six scanning assistants and one web developer. Although provisions to implement the envisaged activities have not been included under section 27, "Public information", of the programme budget for the biennium 2008-2009, it is anticipated that the requirements could be met from within the resources already approved under the section for the biennium 2008-2009.

Accordingly, should the General Assembly adopt draft decision A/63/L.78, no additional requirements would arise under the programme budget for the biennium 2008-2009.

The Acting President: The Assembly will now take action on draft decision A/63/L.78 entitled "Commemoration of the sixtieth anniversary of the United Nations Relief and Works Agency for Palestine Refugees in the Near East".

May I take it that the Assembly decides to adopt the draft decision A/63/L.78?

Draft decision A/63/L.78 was adopted.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 29?

It was so decided.

The meeting rose at 10.35 a.m.